

By: Aspinator

S.J.R. No. 14

SENATE JOINT RESOLUTION

proposing a constitutional amendment to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article V of the Texas Constitution be amended by adding Section 7a to read as follows:

"Section 7a. (a) The Judicial Districts Board is created to reapportion the judicial districts authorized by Article V, Section 7, of this constitution.

"(b) The membership of the board consists of the Chief Justice of the Texas Supreme Court who serves as chairman, the presiding judge of the Texas Court of Criminal Appeals, the presiding judge of each of the administrative judicial districts of the state, the president of the Texas Judicial Council, the chairman of the Jurisprudence Committee of the Senate, the chairman of the Committee on the Judiciary of the House of Representatives, and one person who is licensed to practice law in this state appointed by the governor with the advice and consent of the senate for a term of four years. In the event of a vacancy in the appointed membership, the vacancy is filled for the unexpired term in the same manner as the original appointment.

"(c) A majority of the total membership of the board constitutes a quorum for the transaction of business. The adoption of a reapportionment order requires a majority vote of the total membership of the board.

*Replaced by
Conference Report*

1 "(d) The reapportionment powers of the board shall be
2 exercised in the interims between regular sessions of the
3 legislature, except that a reapportionment may not be ordered by
4 the board during an interim immediately following a regular session
5 of the legislature in which a valid and subsisting statewide
6 apportionment of judicial districts is enacted by the legislature.
7 The board has other powers and duties as provided by the
8 legislature and shall exercise its powers under the policies,
9 rules, standards, and conditions, not inconsistent with this
10 section, that the legislature provides.

11 "(e) Unless the legislature enacts a statewide
12 reapportionment of the judicial districts following each federal
13 decennial census, the board shall convene not later than the first
14 Monday of June of the third year following the year in which the
15 federal decennial census is taken to make a statewide
16 reapportionment of the districts. The board shall complete its
17 work on the reapportionment and file its order with the secretary
18 of state not later than August 31 of the same year. If the
19 Judicial Districts Board fails to make a statewide apportionment by
20 that date, the Legislative Redistricting Board established by
21 Article III, Section 28, of this constitution shall make a
22 statewide reapportionment of the judicial districts not later than
23 the 150th day after the final day for the Judicial Districts Board
24 to make the reapportionment.

25 "(f) In addition to the statewide reapportionment, the board^{4/3}
26 may reapportion the judicial districts of the state as the

1 necessity for reapportionment appears by redesignating, in one or
 2 more reapportionment orders, the county or counties, or parts of
 3 the county where a county has more than one judicial district
 4 contained within its boundaries, that comprise the specific
 5 judicial districts affected by those reapportionment orders. In
 6 modifying any judicial district, no county having a population as
 7 large or larger than the population of the judicial district being
 8 reapportioned shall be added to the judicial district.

INSERT FLOOR AM. #2

FLOOR AM. #2
 10 ~~"(g) A written reapportionment order, verified by the~~
 11 ~~chairman and two members of the board and filed with the secretary~~
 12 ~~of state, becomes law on the effective date specified in the order.~~
 13 ~~The effective date must be subsequent to the date that the verified~~
 14 ~~order is filed with the secretary of state and, if the~~
 15 ~~reapportionment renders the judge of a judicial district ineligible~~
 16 ~~to continue in office, the effective date of the order may not be~~
 17 ~~earlier than the end of the current term of the judge or the date~~
 18 ~~on which the office is vacated by the incumbent, whichever occurs~~
 19 ~~first.~~

20 ~~"(h) This section does not limit the power of the~~
 21 ~~legislature to reapportion the judicial districts of the state, to~~
 22 ~~increase the number of judicial districts, or to provide for~~
 23 ~~consequent matters on reapportionment. The legislature may provide~~
 24 ~~for the effect of a reapportionment made by the board on pending~~
 25 ~~cases or the transfer of pending cases, for jurisdiction of a~~
 26 ~~county court where county court jurisdiction has been vested by law~~
~~in a district court affected by the reapportionment, for terms of~~

1 the courts upon existing officers and their duties, and for all
2 other matters affected by the reapportionment. The legislature may
3 delegate any of these powers to the board. The legislature shall
4 provide for the necessary expenses of the board.

5 "(2) Any judicial reapportionment order adopted by the board
6 must be approved by a record vote of the majority of the membership
7 of both the senate and house of representatives before such order
8 can become effective and binding."

9 SECTION 2. That the following temporary provision be added
10 to the Texas Constitution:

11 "TEMPORARY PROVISION. (a) This temporary provision applies
12 to the constitutional amendment proposed by S.J.R. No. 14, 69th
13 Legislature, Regular Session, 1985, and expires January 1, 1992.

14 "(b) The initial term of the member of the Judicial
15 Districts Board appointed by the governor expires on December 31,
16 1990."

17 SECTION 3. This proposed constitutional amendment shall be
18 submitted to the voters at an election to be held on November 4,
19 1986. The ballot shall be printed to provide for voting for or
20 against the proposition: "The constitutional amendment creating
21 the Judicial Districts Board and to provide for the reapportionment
22 of the judicial districts of the state by that board or by the
23 Legislative Redistricting Board."

CONSTITUTION

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CONSTITUTION

Said Justices shall be elected by the qualified voters of their respective districts at a general election, for a term of six years and shall receive for their services the sum provided by law. Each Court of Appeals shall appoint a clerk in the same manner as the clerk of the Supreme Court which clerk shall receive such compensation as may be fixed by law.

On the effective date of this amendment, the Justices of the present Courts of Civil Appeals become the Justices of the Courts of Appeals for the term of office to which elected or appointed as Justices of the Courts of Civil Appeals, and the Supreme Judicial Districts become the Supreme Judicial Districts for the Courts of Appeals. All constitutional and statutory references to the Courts of Civil Appeals shall be construed to mean the Courts of Appeals.

Amended Nov. 7, 1978; Nov. 4, 1980, eff. Sept. 1, 1981.

Amendment adopted in 1978 was proposed by S.J.R. No. 45, Acts 1977, 65th Leg., p. 3366.

Amendment adopted in 1980 was proposed by S.J.R. No. 36, § 5, Acts 1979, 66th Leg., p. 3224.

Law Review Commentaries

Appealing jury findings. Michol O'Connor, 12 Houston L.Rev. 65 (1974).

Changes in appellate review in criminal cases following 1980 constitutional amendment. Carl E.F. Dally and Patricia A. Brockway, 13 St. Mary's L.J. 211 (1981).

Criminal post-trial and appellate procedure: Practice under new Texas rules. Arch C. McColl and Mike McColloch, 44 Texas Bar J. 1208 (1981).

Judicial revision; an argument against the merit plan for judicial selection and tenure. Otto B. Mullinax, 5 Texas Tech L.Rev. 21 (1973).

Judicial revision; an argument for the merit plan for judicial selection and tenure. W. St. John Garwood, 5 Texas Tech L.Rev. 1 (1973).

Jurisdiction in Texas Supreme Court and Courts of Civil Appeals. James B. Sales and John W. Cliff, 26 Baylor L.Rev. 501 (1974).

Limited right of appeal by state in criminal cases. Carol S. Vance, 8 Houston L.Rev. 886 (1971).

Original habeas corpus proceedings in Courts of Civil Appeals. T. C. Chadick, 33 Texas Bar J. 183 (1970).

Proposed revision of Article V. Robert W. Calvert, 35 Texas Bar J. 1001 (1972).

Texas judicial system: History and modernization. C. Raymond Judice, 14 South Texas L.J. 295 (1973).

Notes of Decisions

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Art. 5, § 6

Note 1

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1. Construction and application

Court of Civil Appeals, in determining whether findings of jury are so against the great weight and preponderance of the evidence as to be clearly wrong and unjust, must consider all of the evidence, both that which supports the verdict and that which militates against it. City of Houston v. Howe & Wise (Civ.App.1959) 323 S.W.2d 134, ref. n.r.e.

Court of Civil Appeals is reluctant to disturb jury's findings when supported by some evidence of probative value, but it is within power and duty of Court of Civil Appeals to do so when such findings are so against the great weight and preponderance of the evidence as to be clearly wrong and unjust, even though record contains some evidence in support of the verdict. Id.

Appellate court must consider and weigh all the evidence and set aside the judgment and remand the cause for new trial, if it concludes that implied findings are so against the great weight and preponderance of evidence as would be manifestly unjust. Glover v. Davis (Civ.App.1963) 360 S.W.2d 924, reversed on other grounds 366 S.W.2d 227.

Sections of constitution defining jurisdiction of several courts should be interpreted so as to avoid conflict between authority confided to trial and appellate court. City of Tyler v. St. Louis Southwestern Ry. Co. of Tex. (Sup.1966) 405 S.W.2d 330.

Court of Civil Appeals is obligated to follow precedent Supreme Court has estab-

JUDICIAL DISTRICTS—JUDGES Art. 5, § 7

judgment or decree upon which appellate power of revisory courts may act, held unconstitutional. *Id.*

30. Costs

Under terms of Acts 1941, 47th Leg., c. 589, p. 1315, Vernon's Ann.Civ.St. art.

1702d, probate matters are to be considered among cases on which sum of one dollar shall be taxed as costs for establishment and maintenance of a county law library, assuming that commissioners' court has first entered its order for that purpose. Op. Atty. Gen., 1941, No. 0-3957.

§ 7. Judicial districts; district judges; terms or sessions; absence, disability or disqualification of judge

Sec. 7. The State shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof at a General Election a Judge, who shall be a citizen of the United States and of this State, who shall be licensed to practice law in this State and shall have been a practicing lawyer or a Judge of a Court in this State, or both combined, for four (4) years next preceding his election, who shall have resided in the district in which he was elected for two (2) years next preceding his election, who shall reside in his district during his term of office, who shall hold his office for the period of four (4) years, and shall receive for his services an annual salary to be fixed by the Legislature. The Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law. He shall hold the regular terms of his Court at the County Seat of each County in his district at least twice in each year in such manner as may be prescribed by law. The Legislature shall have power by General or Special Laws to make such provisions concerning the terms or sessions of each Court as it may deem necessary.

The Legislature shall also provide for the holding of District Court when the Judge thereof is absent, or is from any cause disabled or disqualified from presiding.

The District Judges who may be in office when this Amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment. As amended Aug. 11, 1891; Nov. 6, 1949.

INTERPRETIVE COMMENTARY

The chief trial courts in Texas, the great *nisi prius* courts, are the district courts. They had their origin in the Constitution of the Republic, which provided for not less than three nor more than eight district courts, judges of which were to be elected by a joint ballot of both houses of congress for four year terms.

The Constitution of 1845 raised the term of office to six years and that of 1866 to eight. The term was reduced by the Constitution

Art. 5, § 5
Note 13

against inmate, as well as in light of both state rules and Code of Professional Responsibility and inmate's right under U.S. C.A. Const. Amend. 6 to conflict-free counsel, writ of mandamus would be issued to that end. (Per Clinton, J., with three Judges concurring and five Judges concurring in the result.) *White v. Reiter* (Cr.App. 1982) 640 S.W.2d 586.

14. Certiorari

The affidavit and search warrant not being part of record in trial court, appellant's petition for writ of certiorari, directing clerk to include such instruments in statement of facts to be forwarded to Court of Criminal Appeals, would be denied. *Doby v. State* (Cr.App.1964) 383 S.W.2d 418, certiorari denied 85 S.Ct. 914, 380 U.S. 920, 13 L.Ed.2d 804.

15. Injunction

Texas Supreme Court had no jurisdiction to entertain appeal from order denying accused temporary injunction to bar his prosecution for possession of marijuana on ground that amendments to Texas Controlled Substances Act (Vernon's Ann. Civ.St. art. 4476-15) were unconstitutional, since only Courts of Appeal and Court of Criminal Appeals could exercise appellate jurisdiction in criminal cases under this section. *Dearing v. Wright* (Sup.1983) 653 S.W.2d 288.

16. Ascertainment of facts or jurisdiction by affidavit or otherwise

Where the appellate record had not been received by Court of Criminal Appeals the trial court still retained jurisdiction of cause and the appellate jurisdiction of the Court of Criminal Appeals was not so involved as to authorize that court to consider issuance of writ of mandamus to compel trial court

§ 6. Courts of Appeals; transfer of causes; terms of Justices

Sec. 6. [The Legislature shall divide the State into such Supreme judicial districts as the population and business may require, and shall establish a Court of Appeals in each of said districts, which shall consist of a Chief Justice and at least two Associate Justices, who shall have the qualifications as herein prescribed for Justices of the Supreme Court.] The Court of Appeals may sit in sections as authorized by law. The concurrence of a majority of the judges sitting in a section is necessary to decide a case. Said Court of Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law. Provided, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law.

Each of said Courts of Appeals shall hold its sessions at a place in its district to be designated by the Legislature, and at such time as may be prescribed by law.

CONSTITUTION

to sentence defendant under the Controlled Substances Act (Vernon's Ann.Civ.St. art. 4476-15). Ex parte *Giles* (Cr.App.1973) 502 S.W.2d 774.

18. Due process

Supreme Court of the United States is the appellate court for the Court of Criminal Appeals in due process questions. Ex parte *Hope* (Cr.App.1964) 374 S.W.2d 441.

19. Exceptions

In cases dealing with appeals from orders denying bail pursuant to Art. 1, § 11a, which provides that in instances where bail is denied "the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused," Court of Criminal Appeals will have exclusive jurisdiction despite this section and § 6 of this Article which provide that Court of Criminal Appeals has original jurisdiction of appeals only in capital cases, in that Art. 1, § 11a, was a special provision, carving out an exception to general jurisdiction given to the courts in this section and § 6 of this Article. (Per McCormick, J., with two Judges concurring in the result.) *Clapp v. State* (Cr.App.1982) 639 S.W.2d 949.

20. Bail

Court of Appeals had jurisdiction over appeal from order denying bail in capital murder case. *Beck v. State* (Cr.App.1983) 648 S.W.2d 7.

21. Attorney's fees

Application for writ of mandamus to compel district judge to authorize payment to attorney for services rendered by attorney as court-appointed appellate counsel was criminal law matter within jurisdiction of Court of Criminal Appeals. *Weiner v. Dial* (Cr.App.1983) 653 S.W.2d 786.

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Said Justices shall be elected by at a general election, for a term the sum provided by law. Each same manner as the clerk of the compensation as may be fixed by

On the effective date of this an Civil Appeals become the Justices to which elected or appointed as Supreme Judicial Districts become of Appeals. All constitutional Appeals shall be construed to mo Amended Nov. 7, 1978; Nov. 4, 1980

Amendment adopted in 1978 was posed by S.J.R. No. 45, Acts 1977 Leg., p. 3366.

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Texas judicial system: History and ernization. *C. Raymond Judice*, 14 *Texas L.J.* 295 (1973).

Notes of Decisions

Conflicts of jurisdiction 27.5
Criminal cases 39

1 By: Caperton S.J.R. No. 14
2 (In the Senate - Filed January 29, 1985; January 29, 1985,
3 read first time and referred to Committee on State Affairs;
4 March 19, 1985, reported favorably; March 19, 1985, sent to
5 printer.)

6 SENATE JOINT RESOLUTION

7 proposing a constitutional amendment to create the Judicial
8 Districts Board and to provide for the reapportionment of judicial
9 districts by that board or by the Legislative Redistricting Board.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

11 SECTION 1. That Article V of the Texas Constitution be
12 amended by adding Section 7a to read as follows:

13 "Section 7a. (a) The Judicial Districts Board is created to
14 reapportion the judicial districts authorized by Article V, Section
15 7, of this constitution.

16 "(b) The membership of the board consists of the Chief
17 Justice of the Texas Supreme Court who serves as chairman, the
18 presiding judge of the Texas Court of Criminal Appeals, the
19 presiding judge of each of the administrative judicial districts of
20 the state, the president of the Texas Judicial Council, the
21 chairman of the Jurisprudence Committee of the Senate, the chairman
22 of the Committee on the Judiciary of the House of Representatives,
23 and one person who is licensed to practice law in this state
24 appointed by the governor with the advice and consent of the senate
25 for a term of four years. In the event of a vacancy in the
26 appointed membership, the vacancy is filled for the unexpired term
27 in the same manner as the original appointment.

28 "(c) A majority of the total membership of the board
29 constitutes a quorum for the transaction of business. The adoption
30 of a reapportionment order requires a majority vote of the total
31 membership of the board.

32 "(d) The reapportionment powers of the board shall be
33 exercised in the interims between regular sessions of the
34 legislature, except that a reapportionment may not be ordered by
35 the board during an interim immediately following a regular session
36 of the legislature in which a valid and subsisting statewide
37 apportionment of judicial districts is enacted by the legislature.
38 The board has other powers and duties as provided by the
39 legislature and shall exercise its powers under the policies,
40 rules, standards, and conditions, not inconsistent with this
41 section, that the legislature provides.

42 "(e) Unless the legislature enacts a statewide
43 reapportionment of the judicial districts following each federal
44 decennial census, the board shall convene not later than the first
45 Monday of June of the third year following the year in which the
46 federal decennial census is taken to make a statewide
47 reapportionment of the districts. The board shall complete its
48 work on the reapportionment and file its order with the secretary
49 of state not later than August 31 of the same year. If the
50 Judicial Districts Board fails to make a statewide apportionment by
51 that date, the Legislative Redistricting Board established by
52 Article III, Section 28, of this constitution shall make a
53 statewide reapportionment of the judicial districts not later than
54 the 150th day after the final day for the Judicial Districts Board
55 to make the reapportionment.

56 "(f) In addition to the statewide reapportionment, the board
57 may reapportion the judicial districts of the state as the
58 necessity for reapportionment appears by redesignating, in one or
59 more reapportionment orders, the county or counties, or parts of
60 the county where a county has more than one judicial district
61 contained within its boundaries, that comprise the specific
62 judicial districts affected by those reapportionment orders. In
63 modifying any judicial district, no county having a population as
64 large or larger than the population of the judicial district being
65 reapportioned shall be added to the judicial district.

66 "(g) A written reapportionment order, verified by the
67 chairman and two members of the board and filed with the secretary
68 of state, becomes law on the effective date specified in the order.

The effective date must be subsequent to the date that the verified order is filed with the secretary of state and, if the reapportionment renders the judge of a judicial district ineligible to continue in office, the effective date of the order may not be earlier than the end of the current term of the judge or the date on which the office is vacated by the incumbent, whichever occurs first.

"(h) This section does not limit the power of the legislature to reapportion the judicial districts of the state, to increase the number of judicial districts, or to provide for consequent matters on reapportionment. The legislature may provide for the effect of a reapportionment made by the board on pending cases or the transfer of pending cases, for jurisdiction of a county court where county court jurisdiction has been vested by law in a district court affected by the reapportionment, for terms of the courts upon existing officers and their duties, and for all other matters affected by the reapportionment. The legislature may delegate any of these powers to the board. The legislature shall provide for the necessary expenses of the board.

"(i) Any judicial reapportionment order adopted by the board must be approved by a record vote of the majority of the membership of both the senate and house of representatives before such order can become effective and binding."

SECTION 2. That the following temporary provision be added to the Texas Constitution:

"TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by S.J.R. No. , 69th Legislature, Regular Session, 1985, and expires January 1, 1992.

"(b) The initial term of the member of the Judicial Districts Board appointed by the governor expires on December 31, 1990."

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 4, 1986. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment creating the Judicial Districts Board and to provide for the reapportionment of the judicial districts of the state by that board or by the Legislative Redistricting Board."

* * * * *

Austin, Texas
March 19, 1985

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on State Affairs to which was referred S.J.R. No. 14, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Farabee, Chairman

S.J.R. 14 by Caperton

Creating the Judicial Districts Board and providing for the reapportionment of judicial districts by the Board or by the Legislative Redistricting Board.

Background Information:

There has been no judicial redistricting in Texas since 1876. The Judicial Redistricting bill (S.B. 290) creates a Judicial Districts Board with authority to reapportion subject to the limitations by which the Legislature can specify rules, standards and conditions under which the board may act.

The creation of the board requires a constitutional amendment. This resolution (SJR 14) provides the authority for the Legislature to create the board and the authority of the board.

What the Resolution Proposes to do:

This resolution amends Article 5, Section 7a of the Texas Constitution to create a Judicial Redistricting Board; and to provide that board with reapportionment authority. The resolution also sets out the composition of the board as follows:

Chief Justice of the Supreme Court of Texas, Chair;
Presiding Judge of the Court of Criminal Appeals;
Presiding Judges of each of the Administrative Judicial Districts;
Chair, Jurisprudence Committee of the Senate
Chair, Judiciary Committee of the House of Representatives;
A member of the State Bar appointed by the Governor.

Section by Section Analysis:

SECTION 1: Amends Article V of the Texas Constitution by adding Section 7a:

- a. Provides that the board is created to reapportion judicial districts.
- b. Provides that the board consists of the following members who will serve for four year terms:
 1. the chief justice of the Texas Supreme Court;
 2. the presiding judge of the Texas Court of Criminal Appeals;
 3. the presiding judge of each of the administrative judicial districts of the state;
 4. the president of the Texas Judicial Council;
 5. the chairman of the Senate Jurisprudence Committee;
 6. the chairman of the House Judiciary Committee;
 7. a gubernatorial appointee who is licensed to practice law in this state, and who is confirmed by the Senate.
- c. Provides that a majority of the total membership constitutes a quorum; and adoption of the reapportionment order requires a majority vote of the total membership.
- d. Provides that the board's reapportionment powers are valid during the interims between regular sessions of the Legislature only when no statewide appointment of judicial districts has been enacted by the Legislature; the Legislature may provide the other powers and duties of the board.
- e. Provides that the board will convene not later than the first Monday of June of the third year after the federal decennial census to reapportion judicial districts and file its order not later than August 31st of that year. If the Judicial District Board fails to make the apportionment order, the Legislative Redistricting Board must make the reapportionment within 150 days after the August 31 deadline of the Judicial Districts Board.

f. Provides that the board may issue reapportionment orders redesignating the county or counties or parts of a county that comprise specific judicial districts. However, no county having a population as large or larger than the population of the judicial district being reapportioned shall be added to the judicial district.

g. Provides that a written reapportionment order becomes law on the effective date in the order, but that the effective date must be after the date the order is filed with the Secretary of the State and after the judge of a judicial district whose office will be discontinued by the Act has either ended his term or vacated his office.

h. Provides that the powers of the Legislature are not limited by this section; the Legislature shall provide for all matters affected by a reapportionment by the board; the Legislature shall also provide for the necessary expenses by the board.

i. Provides that any judicial reapportionment order must be approved by the Legislature.

SECTION 2: Adds a temporary provision to the Texas Constitution relating to S.J.R. 14, expiring January 1, 1992, that the initial term of the governor's appointee expires on December 31, 1990.

SECTION 3: Provides for the submission of the proposed constitutional amendment to the voters November 4, 1986, and for the printing of the ballot.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 18, 1985

Honorable Ray Farabee, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 14
By: Caperton

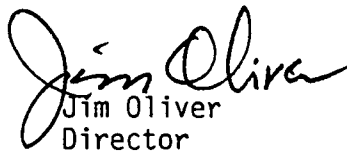
Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 14 (proposing a constitutional amendment to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The cost of publication of the resolution to the State is \$48,100.

No additional fiscal implication to the State or units of local government is anticipated.


Jim Oliver
Director

Source: LBB Staff: JO, JH, PA

RR

FLOOR AMENDMENT NO. 1

BY: Amgen

- 1 Amend S.J.R. No. 14 by deleting Subsection (g) of Section 7a in its
- 2 entirety and relettering the remaining subsections accordingly.

ADOPTED

APR 18 1985

Betty King
Secretary of the Senate

*2/100 am. #10
4/18/85*

276
4/18/85

AMENDMENT NO. 2

BY Krier

1 Amend S.J.R. 14 on page 1 by adding to line 65 the
2 following language:

3 Nothing in this section precludes the board from establishing
4 nor requires the board to establish single-court judicial
5 districts within a county. "o"

ADOPTED

APR 18 1985

Betty King
Secretary of the Senate

*7/000 am. # (2)
4/18/85*

AMEND THE CAPTION TO CONFORM
TO THE BODY OF THE BILL

ADOPTED

APR 18 1985

Barry King
Secretary of the Senate

April 18 1985
Patsy Saw

I certify that the attached is a true and correct
copy of SJR 14, which was
received from the Senate on APR 22 1985 and
referred to the Committee on Judiciary

Rebecca Murray
Chief Clerk of the House

By: Caperton
(C. Evans)

S.J.R. No. 14

SENATE JOINT RESOLUTION

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SECTION 1. That Article V of the Texas Constitution be amended by adding Section 7a to read as follows:

"Section 7a. (a) The Judicial Districts Board is created to reapportion the judicial districts authorized by Article V, Section 7, of this constitution.

"(b) The membership of the board consists of the Chief Justice of the Texas Supreme Court who serves as chairman, the presiding judge of the Texas Court of Criminal Appeals, the presiding judge of each of the administrative judicial districts of the state, the president of the Texas Judicial Council, the chairman of the Jurisprudence Committee of the Senate, the chairman of the Committee on the Judiciary of the House of Representatives, and one person who is licensed to practice law in this state appointed by the governor with the advice and consent of the senate for a term of four years. In the event of a vacancy in the appointed membership, the vacancy is filled for the unexpired term in the same manner as the original appointment.

"(c) A majority of the total membership of the board constitutes a quorum for the transaction of business. The adoption of a reapportionment order requires a majority vote of the total

1 membership of the board.

2 "(d) The reapportionment powers of the board shall be
3 exercised in the interims between regular sessions of the
4 legislature, except that a reapportionment may not be ordered by
5 the board during an interim immediately following a regular session
6 of the legislature in which a valid and subsisting statewide
7 apportionment of judicial districts is enacted by the legislature.
8 The board has other powers and duties as provided by the
9 legislature and shall exercise its powers under the policies,
10 rules, standards, and conditions, not inconsistent with this
11 section, that the legislature provides.

12 "(e) Unless the legislature enacts a statewide
13 reapportionment of the judicial districts following each federal
14 decennial census, the board shall convene not later than the first
15 Monday of June of the third year following the year in which the
16 federal decennial census is taken to make a statewide
17 reapportionment of the districts. The board shall complete its
18 work on the reapportionment and file its order with the secretary
19 of state not later than August 31 of the same year. If the
20 Judicial Districts Board fails to make a statewide apportionment by
21 that date, the Legislative Redistricting Board established by
22 Article III, Section 28, of this constitution shall make a
23 statewide reapportionment of the judicial districts not later than
24 the 150th day after the final day for the Judicial Districts Board
25 to make the reapportionment.

26 "(f) In addition to the statewide reapportionment, the board

1 may reapportion the judicial districts of the state as the
2 necessity for reapportionment appears by redesignating, in one or
3 more reapportionment orders, the county or counties, or parts of
4 the county where a county has more than one judicial district
5 contained within its boundaries, that comprise the specific
6 judicial districts affected by those reapportionment orders. In
7 modifying any judicial district, no county having a population as
8 large or larger than the population of the judicial district being
9 reapportioned shall be added to the judicial district. Nothing in
10 this section precludes the board from establishing nor requires the
11 board to establish single-court judicial districts within a county.

12 "(g) This section does not limit the power of the
13 legislature to reapportion the judicial districts of the state, to
14 increase the number of judicial districts, or to provide for
15 consequent matters on reapportionment. The legislature may provide
16 for the effect of a reapportionment made by the board on pending
17 cases or the transfer of pending cases, for jurisdiction of a
18 county court where county court jurisdiction has been vested by law
19 in a district court affected by the reapportionment, for terms of
20 the courts upon existing officers and their duties, and for all
21 other matters affected by the reapportionment. The legislature may
22 delegate any of these powers to the board. The legislature shall
23 provide for the necessary expenses of the board.

24 "(h) Any judicial reapportionment order adopted by the board
25 must be approved by a record vote of the majority of the membership
26 of both the senate and house of representatives before such order

1 can become effective and binding."

2 SECTION 2. That the following temporary provision be added
3 to the Texas Constitution:

4 "TEMPORARY PROVISION." (a) This temporary provision applies
5 to the constitutional amendment proposed by S.J.R. No. 14, 69th
6 Legislature, Regular Session, 1985, and expires January 1, 1992.

7 "(b) The initial term of the member of the Judicial
8 Districts Board appointed by the governor expires on December 31,
9 1990."

10 SECTION 3. This proposed constitutional amendment shall be
11 submitted to the voters at an election to be held on November 4,
12 1986. The ballot shall be printed to provide for voting for or
13 against the proposition: "The constitutional amendment creating
14 the Judicial Districts Board and to provide for the reapportionment
15 of the judicial districts of the state by that board or by the
16 Legislative Redistricting Board."

COMMITTEE AMENDMENT NO. 1

Amend S.J.R. 14 as follows:

(1) On page 3, strike lines 3-5 and substitute the following:

"more reapportionment orders, the county or counties that comprise the specific".

(2) On page 3, lines 9-11, strike the sentence that begins with "Nothing".

(3) On page 3, line 12, strike "This" and substitute "Except as provided by Subsection (i) of this section, this".

(4) On page 4, insert the following between lines 1 and 2:

(i) The legislature, the Judicial Districts Board, and the Legislative Redistricting Board may only redistrict the judicial districts so that each judicial district is composed of one or more entire counties.

69R6972 RJA-D

Dutton

COMMITTEE AMENDMENT NO. 2

Amend S.J.R. 14 on page 1, lines 15-17, by striking "the chairman of the Jurisprudence Committee of the Senate, the chairman of the Committee on the Judiciary of the House of Representatives,".

69R7004 RJA-D

Dutton

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 18, 1985

Honorable Ray Farabee, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 14
By: Caperton

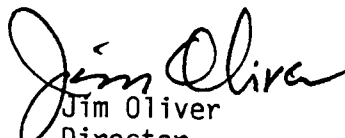
Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 14 (proposing a constitutional amendment to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The cost of publication of the resolution to the State is \$48,100.

No additional fiscal implication to the State or units of local government is anticipated.


Jim Oliver
Director

Source: LBB Staff: JO, JH, PA

5

HOUSE COMMITTEE REPORT

1st. Printing

By: Caperton
(C. Evans)

S.J.R. No. 14

SENATE JOINT RESOLUTION

proposing a constitutional amendment to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article V of the Texas Constitution be amended by adding Section 7a to read as follows:

"Section 7a. (a) The Judicial Districts Board is created to reapportion the judicial districts authorized by Article V, Section 7, of this constitution.

"(b) The membership of the board consists of the Chief Justice of the Texas Supreme Court who serves as chairman, the presiding judge of the Texas Court of Criminal Appeals, the presiding judge of each of the administrative judicial districts of the state, the president of the Texas Judicial Council, the chairman of the Jurisprudence Committee of the Senate, the chairman of the Committee on the Judiciary of the House of Representatives, and one person who is licensed to practice law in this state appointed by the governor with the advice and consent of the senate for a term of four years. In the event of a vacancy in the appointed membership, the vacancy is filled for the unexpired term in the same manner as the original appointment.

"(c) A majority of the total membership of the board constitutes a quorum for the transaction of business. The adoption of a reapportionment order requires a majority vote of the total

1 membership of the board.

2 "(d) The reapportionment powers of the board shall be
3 exercised in the interims between regular sessions of the
4 legislature, except that a reapportionment may not be ordered by
5 the board during an interim immediately following a regular session
6 of the legislature in which a valid and subsisting statewide
7 apportionment of judicial districts is enacted by the legislature.
8 The board has other powers and duties as provided by the
9 legislature and shall exercise its powers under the policies,
10 rules, standards, and conditions, not inconsistent with this
11 section, that the legislature provides.

12 "(e) Unless the legislature enacts a statewide
13 reapportionment of the judicial districts following each federal
14 decennial census, the board shall convene not later than the first
15 Monday of June of the third year following the year in which the
16 federal decennial census is taken to make a statewide
17 reapportionment of the districts. The board shall complete its
18 work on the reapportionment and file its order with the secretary
19 of state not later than August 31 of the same year. If the
20 Judicial Districts Board fails to make a statewide apportionment by
21 that date, the Legislative Redistricting Board established by
22 Article III, Section 28, of this constitution shall make a
23 statewide reapportionment of the judicial districts not later than
24 the 150th day after the final day for the Judicial Districts Board
25 to make the reapportionment.

26 "(f) In addition to the statewide reapportionment, the board

1 may reapportion the judicial districts of the state as the
2 necessity for reapportionment appears by redesignating, in one or
3 more reapportionment orders, the county or counties, or parts of
4 the county where a county has more than one judicial district
5 contained within its boundaries, that comprise the specific
6 judicial districts affected by those reapportionment orders. In
7 modifying any judicial district, no county having a population as
8 large or larger than the population of the judicial district being
9 reapportioned shall be added to the judicial district. Nothing in
10 this section precludes the board from establishing nor requires the
11 board to establish single-court judicial districts within a county.

12 "(g) This section does not limit the power of the
13 legislature to reapportion the judicial districts of the state, to
14 increase the number of judicial districts, or to provide for
15 consequent matters on reapportionment. The legislature may provide
16 for the effect of a reapportionment made by the board on pending
17 cases or the transfer of pending cases, for jurisdiction of a
18 county court where county court jurisdiction has been vested by law
19 in a district court affected by the reapportionment, for terms of
20 the courts upon existing officers and their duties, and for all
21 other matters affected by the reapportionment. The legislature may
22 delegate any of these powers to the board. The legislature shall
23 provide for the necessary expenses of the board.

24 "(h) Any judicial reapportionment order adopted by the board
25 must be approved by a record vote of the majority of the membership
26 of both the senate and house of representatives before such order

1 can become effective and binding."

2 SECTION 2. That the following temporary provision be added
3 to the Texas Constitution:

4 "TEMPORARY PROVISION. (a) This temporary provision applies
5 to the constitutional amendment proposed by S.J.R. No. 14, 69th
6 Legislature, Regular Session, 1985, and expires January 1, 1992.

7 "(b) The initial term of the member of the Judicial
8 Districts Board appointed by the governor expires on December 31,
9 1990."

10 SECTION 3. This proposed constitutional amendment shall be
11 submitted to the voters at an election to be held on November 4,
12 1986. The ballot shall be printed to provide for voting for or
13 against the proposition: "The constitutional amendment creating
14 the Judicial Districts Board and to provide for the reapportionment
15 of the judicial districts of the state by that board or by the
16 Legislative Redistricting Board."

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 15, 1985
(date)

Sir:

We, your COMMITTEE ON JUDICIARY, to whom was referred SJR 14 have had the same under consideration and beg to report back with the recommendation that it (measure)

- () do pass, without amendment.
- (x) do pass, with amendment(s).
- () do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (x) yes () no An actuarial analysis was requested. () yes (x) no

An author's fiscal statement was requested. () yes (x) no

The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.

This measure (x) proposes new law. () amends existing law. a constitutional amendment

House Sponsor of Senate Measure C. Evans

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Bush, Ch.	x			
Hury, V.C.	x			
Toomey, C.B.O.				x
Adkisson	x			
Dutton	x			
Hackney	x			
Hilbert				x
Perez	x			
Russell				x

Total
6 aye
0 nay
0 present, not voting
3 absent

Bk Bnd
CHAIRMAN
Laura Collier
COMMITTEE COORDINATOR

By: Caperton
House Sponsor--C. Evans

BILL ANALYSIS

Background Information

The Legislature has the power to create and reapportion judicial districts. The Legislature is not required to redistrict on a periodic basis, as is the case with Senate and House districts. and for that reason there has been no systematic judicial re-districting in Texas since 1876.

In the case of Senate and House districts, if the Legislature fails to redistrict following each federal census, the Legislative Redistricting Board of Texas is required to carry out the reapportionment. The Legislative Redistricting Board consists of five members--the Lieutenant Governor, the Speaker of the House, the Attorney General, the Comptroller of Public Accounts, and the Commissioner of the General Land Office.

There is no comparable board or commission charged with reapportioning judicial districts.

Purpose

SJR 14 proposes a constitutional amendment which would create the Judicial Districts Board; the Board is to carry out a judicial reapportionment following each federal census.

Section-by-Section Analysis

SECTION 1. Adds a new Section 7a to Article V of the Texas Constitution, creating the Judicial Districts Board. The members of the board are the Chief Justice, the presiding judge of the Court of Criminal Appeals, the presiding judge of each of the administrative judicial districts, the President of the Texas Judicial Council, the Chairman of the House Judiciary Committee and the Senate Jurisprudence Committee, and one attorney selected by the Governor. The Board is authorized to reapportion judicial districts by majority vote during legislative interims, except during an interim immediately following a legislative reapportionment.

Within three years of each federal census, the Board is to convene to reapportion judicial districts on a statewide basis, unless the Legislature has already acted. If the Board fails to redistrict, the task is passed on to the Legislative Redistricting Board.

In addition to statewide reapportionment, the Board may reapportion with respect to specific judicial districts whenever necessary. Any reapportionment order adopted by the Board must be approved by the Legislature before it becomes effective.

SECTION 2. Temporary provision applicable to the initial term of the Board member appointed by the Governor.

SECTION 3. Submits the proposed constitutional amendment to the voters on November 4, 1986.

Rulemaking Authority

It is the Committee's opinion that this bill does not delegate any additional rulemaking authority to a state officer, agency, department or institution.

Summary of Committee Action

Public notice was posted in accordance with Rule 4, Section 12 of the Rules or Procedure of the House of Representatives and a public hearing was held on May 15, 1985.

The following witnesses appeared to testify in favor of SJR 14:

Judge Jack Pope, representing himself; and

Don Dean, representing the State Bar of Texas.

Representative Lee Jackson appeared to speak on the bill and to discuss two amendments to the bill.

The Committee voted to adopt two Amendments to SJR 14. The Committee then voted to adopt and report SJR 14, as amended, favorably to the House with the recommendation that it do pass by a record vote of 6 ayes, no nays, and 3 absent.

Committee Amendment No. 1 deletes all language referring to more than one judicial district in one county, and states that the Legislature or any redistricting board may only redistrict the judicial districts so that each judicial district is composed of one or more entire counties.

Committee Amendment No. 2 removes the Chairman of the Senate Jurisprudence Committee and the Chairman of the House Judiciary Committee from the membership of the Judicial Districts Board.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 7, 1985

Honorable Bob Bush, Chair
Committee on Judiciary
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution No. 14,
as engrossed
By: Caperton

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 14, as engrossed (proposing a constitutional amendment to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board), this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The cost of publication of the resolution to the State is \$48,100.

No additional fiscal implication to the State or units of local government is anticipated.


Jim Oliver
Director

Source: LBB Staff: JO, JH, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 18, 1985

Honorable Ray Farabee, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 14
By: Caperton

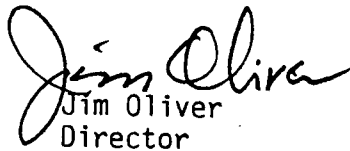
Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 14 (proposing a constitutional amendment to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The cost of publication of the resolution to the State is \$48,100.

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Jim Oliver
Director

Source: LBB Staff: JO, JH, PA

5

ADOPTED

MAY 22 1985

Betty Murray
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO. 1

By: Dutton

Amend S.J.R. 14 as follows:

(1) On page 3, strike lines 3-5 and substitute the following:

"more reapportionment orders, the county or counties that comprise the specific".

(2) On page 3, lines 9-11, strike the sentence that begins with "Nothing".

(3) On page 3, line 12, strike "This" and substitute "Except as provided by Subsection (i) of this section, this".

(4) On page 4, insert the following between lines 1 and 2:

(i) The legislature, the Judicial Districts Board, and the Legislative Redistricting Board may only redistrict the judicial districts so that each judicial district is composed of one or more entire counties.

ADOPTED

MAY 22 1985

Betty Murray
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO. 2

By: Dutton

1 Amend S.J.R. 14 on page 1, lines 15-17, by striking "the
2 chairman of the Jurisprudence Committee of the Senate, the chairman
3 of the Committee on the Judiciary of the House of
4 Representatives,".

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 25, 1985

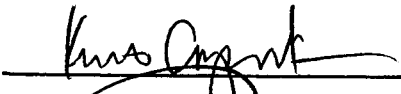
Date

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

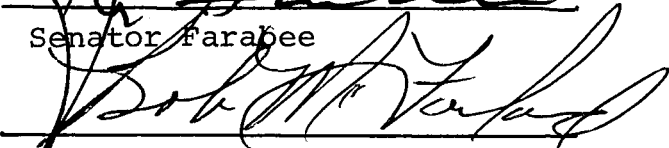
We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.J.R. 14 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



Senator Caperton



Senator Farabee



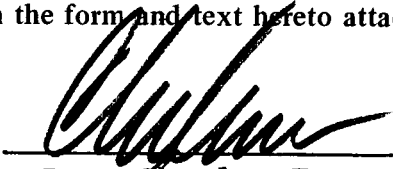
Senator McFarland



Senator Washington



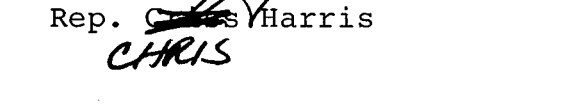
On the part of the Senate Senator Edwards



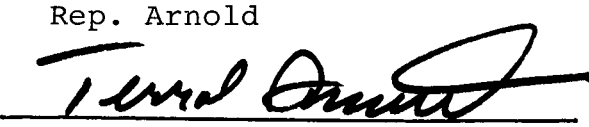
Rep. Charles Evans, Vice Chair



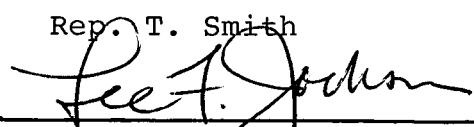
Rep. ~~Chris~~ Harris



Rep. Arnold



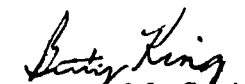
Rep. T. Smith



On the part of the House

Paper clip one of these forms to each of the following:
the original and two copies to the house of origin
three copies to the other house

ADOPTED
25 years 6 days
MAY 27 1985



Secretary of the Senate

MAY 27 1985 *read & filed*

124
See

CONFERENCE COMMITTEE REPORT

By: Caperton

S.J.R. No. 14

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to court jurisdiction and administration and to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article V of the Texas Constitution be amended by adding Section 7a to read as follows:

"Section 7a. (a) The Judicial Districts Board is created to reapportion the judicial districts authorized by Article V, Section 7, of this constitution.

"(b) The membership of the board consists of the Chief Justice of the Texas Supreme Court who serves as chairman, the presiding judge of the Texas Court of Criminal Appeals, the presiding judge of each of the administrative judicial districts of the state, the president of the Texas Judicial Council, and one person who is licensed to practice law in this state appointed by the governor with the advice and consent of the senate for a term of four years. In the event of a vacancy in the appointed membership, the vacancy is filled for the unexpired term in the same manner as the original appointment.

"(c) A majority of the total membership of the board constitutes a quorum for the transaction of business. The adoption of a reapportionment order requires a majority vote of the total membership of the board. 1/2

"(d) The reapportionment powers of the board shall be

Read This
5/27/85

1 exercised in the interims between regular sessions of the
2 legislature, except that a reapportionment may not be ordered by
3 the board during an interim immediately following a regular session
4 of the legislature in which a valid and subsisting statewide
5 apportionment of judicial districts is enacted by the legislature.
6 The board has other powers and duties as provided by the
7 legislature and shall exercise its powers under the policies,
8 rules, standards, and conditions, not inconsistent with this
9 section, that the legislature provides.

10 "(e) Unless the legislature enacts a statewide
11 reapportionment of the judicial districts following each federal
12 decennial census, the board shall convene not later than the first
13 Monday of June of the third year following the year in which the
14 federal decennial census is taken to make a statewide
15 reapportionment of the districts. The board shall complete its
16 work on the reapportionment and file its order with the secretary
17 of state not later than August 31 of the same year. If the
18 Judicial Districts Board fails to make a statewide apportionment by
19 that date, the Legislative Redistricting Board established by
20 Article III, Section 28, of this constitution shall make a
21 statewide reapportionment of the judicial districts not later than
22 the 150th day after the final day for the Judicial Districts Board
23 to make the reapportionment.

24 "(f) In addition to the statewide reapportionment, the board
25 may reapportion the judicial districts of the state as the
26 necessity for reapportionment appears by redesignating, in one or

1 more reapportionment orders, the county or counties that comprise
2 the specific judicial districts affected by those reapportionment
3 orders. In modifying any judicial district, no county having a
4 population as large or larger than the population of the judicial
5 district being reapportioned shall be added to the judicial
6 district.

7 "(g) Except as provided by Subsection (i) of this section,
8 this section does not limit the power of the legislature to
9 reapportion the judicial districts of the state, to increase the
10 number of judicial districts, or to provide for consequent matters
11 on reapportionment. The legislature may provide for the effect of
12 a reapportionment made by the board on pending cases or the
13 transfer of pending cases, for jurisdiction of a county court where
14 county court jurisdiction has been vested by law in a district
15 court affected by the reapportionment, for terms of the courts upon
16 existing officers and their duties, and for all other matters
17 affected by the reapportionment. The legislature may delegate any
18 of these powers to the board. The legislature shall provide for
19 the necessary expenses of the board.

20 "(h) Any judicial reapportionment order adopted by the board
21 must be approved by a record vote of the majority of the membership
22 of both the senate and house of representatives before such order
23 can become effective and binding.

24 "(i) The legislature, the Judicial Districts Board, or the
25 Legislative Redistricting Board may not redistrict the judicial
26 districts to provide for any judicial district smaller in size than

1 an entire county except as provided by this section. Judicial
 2 districts smaller in size than the entire county may be created
 3 subsequent to a general election where a majority of the persons
 4 voting on the proposition adopt the proposition 'to allow the
 5 division of _____ County into judicial districts composed of
 6 parts of _____ County.' No redistricting plan may be proposed
 7 or adopted by the legislature, the Judicial Districts Board, or the
 8 Legislative Redistricting Board in anticipation of a future action
 9 by the voters of any county."

10 SECTION 2. That Article V, Section 6, of the Texas
 11 Constitution be amended to read as follows:

12 "Section 6. The state shall be divided into courts of
 13 appeals districts, with each district having a Chief Justice, two
 14 or more other Justices, and such other officials as may be provided
 15 by law. The Justices shall have the qualifications prescribed for
 16 Justices of the Supreme Court. [The-Legislature-shall-divide-the
 17 State-into-such-Supreme-judicial-districts-as--the--population--and
 18 business--may--require,--and--shall-establish-a-Court-of-Appeals-in
 19 each-of-said-districts,--which-shall-consist-of-a-Chief-Justice--and
 20 at--least-two-Associate-Justices,--who-shall-have-the-qualifications
 21 as-herein-prescribed-for-Justices-of-the-Supreme-Court.] The Court
 22 of Appeals may sit in sections as authorized by law. The
 23 concurrence of a majority of the judges sitting in a section is
 24 necessary to decide a case. Said Court of Appeals shall have
 25 appellate jurisdiction co-extensive with the limits of their
 26 respective districts, which shall extend to all cases of which the

S.J.R. No. 14

1 District Courts or County Courts have original or appellate
2 jurisdiction, under such restrictions and regulations as may be
3 prescribed by law. Provided, that the decision of said courts
4 shall be conclusive on all questions of fact brought before them on
5 appeal or error. Said courts shall have such other jurisdiction,
6 original and appellate, as may be prescribed by law.

7 "Each of said Courts of Appeals shall hold its sessions at a
8 place in its district to be designated by the Legislature, and at
9 such time as may be prescribed by law. Said Justices shall be
10 elected by the qualified voters of their respective districts at a
11 general election, for a term of six years and shall receive for
12 their services the sum provided by law. Each Court of Appeals
13 shall appoint a clerk in the same manner as the clerk of the
14 Supreme Court which clerk shall receive such compensation as may be
15 fixed by law.

16 "[~~On the effective date of this amendment, the Justices of~~
17 ~~the present Courts of Civil Appeals become the Justices of the~~
18 ~~Courts of Appeals for the term of office to which elected or~~
19 ~~appointed as Justices of the Courts of Civil Appeals, and the~~
20 ~~Supreme Judicial Districts become the Supreme Judicial Districts~~
21 ~~for the Courts of Appeals.]~~ All constitutional and statutory
22 references to the Courts of Civil Appeals shall be construed to
23 mean the Courts of Appeals."

24 SECTION 3. That Article V, Section 7, of the Texas
25 Constitution be amended to read as follows: ^{5/10}

26 "Section 7. The State shall be divided into [as many]

1 judicial districts, with each district having one or more Judges as
 2 may be provided by law or by this Constitution [~~as-may-now-or~~
 3 ~~hereafter-be-provided-by-law, which-may-be-increased-or--diminished~~
 4 ~~by--law~~]. Each district judge [~~For-each-district-there~~] shall be
 5 elected by the qualified voters [~~thereof,~~] at a General Election
 6 and [~~7-a-Judge, who~~] shall be a citizen of the United States and of
 7 this State, who is [~~shall--be~~] licensed to practice law in this
 8 State and has [~~shall--have~~] been a practicing lawyer or a Judge of a
 9 Court in this State, or both combined, for four (4) years next
 10 preceding his election, who has [~~shall--have~~] resided in the
 11 district in which he was elected for two (2) years next preceding
 12 his election, and who shall reside in his district during his term
 13 of office and [~~7-who-shall~~] hold his office for the period of four
 14 (4) years, and who shall receive for his services an annual salary
 15 to be fixed by the Legislature. The Court shall conduct its
 16 proceedings at the county seat of the county in which the case is
 17 pending, except as otherwise provided by law. He shall hold the
 18 regular terms of his Court at the County Seat of each County in his
 19 district [~~at--least--twice--in-each-year~~] in such manner as may be
 20 prescribed by law. The Legislature shall have power by General or
 21 Special Laws to make such provisions concerning the terms or
 22 sessions of each Court as it may deem necessary.

23 "The Legislature shall also provide for the holding of
 24 District Court when the Judge thereof is absent, or is from any
 25 cause disabled or disqualified from presiding. 3/7

26 "[~~The--District--Judges--who--may--be--in--office--when--this~~

Amendment--takes--effect--shall--hold--their--offices--until--their
 respective--terms--shall--expire--under--their--present--election--or
 appointment-]"

SECTION 4. That Article V, Section 8, of the Texas
 Constitution be amended to read as follows:

"Section 8. District Court jurisdiction consists of
exclusive, appellate, and original jurisdiction of all actions,
proceedings, and remedies, except in cases where exclusive,
appellate, or original jurisdiction may be conferred by this
Constitution or other law on some other court, tribunal, or
administrative body. District court judges shall have the power to
issue writs necessary to enforce their jurisdiction. [The
~~District--Court--shall--have--original--jurisdiction--in--all--criminal~~
~~cases--of--the--grade--of--felony--in--all--suits--in--behalf--of--the--State~~
~~to--recoover--penalties--forfeitures--and--eseheats--of--all--cases~~
~~of--divoree--of--all--misdemeanors--involving--official--miseonduet--of~~
~~all--suits--to--recoover--damages--for--slander--or--defamation--of~~
~~character--of--all--suits--for--trial--of--title--to--land--and--for--the~~
~~enforcement--of--liens--thereon--of--all--suits--for--the--trial--of--the~~
~~right--of--property--levied--upon--by--virtue--of--any--writ--of--execution,~~
~~sequestration--or--attachment--when--the--property--levied--on--shall--be~~
~~equal--to--or--exceed--in--value--five--hundred--dollars--of--all--suits,~~
~~complaints--or--pleas--whatever--without--regard--to--any--distinction~~
~~between--law--and--equity--when--the--matter--in--controversy--shall--be~~
~~valued--at--or--amount--to--five--hundred--dollars--exclusive--of--interest,~~
~~of--contested--elections--and--said--court--and--the--judges--thereof,~~

1 shall--have--power--to--issue--writs--of--habeas--corpus,--mandamus,
2 injunction-and-certiorari,--and-all-writs-necessary-to-enforce-their
3 jurisdiction.

4 "[The-District-Court-shall-have--appellate--jurisdiction--and
5 general---control---in--probate--matters,--over--the--County--Court
6 established-in-each--county,--for--appointing--guardians,--granting
7 letters--testamentary--and--of-administration,--probating-wills,--for
8 settling-the-accounts-of-executors,--administrators--and--guardians,
9 and--for--the--transaction-of-all-business-appertaining-to-estates,
10 and-original--jurisdiction--and--general--control--over--executors,
11 administrators,--guardians-and-minors-under-such-regulations-as-may
12 be-prescribed-by-law.] The District Court shall have appellate
13 jurisdiction and general supervisory control over the County
14 Commissioners Court, with such exceptions and under such
15 regulations as may be prescribed by law[7--and-shall-have-general
16 original-jurisdiction-over-all-causes-of-action-whatever-for--which
17 a---remedy---or--jurisdiction--is--not--provided--by--law--or--this
18 Constitution,--and-such-ether-jurisdiction,--original-and--appellate,
19 as-may-be-provided-by-law].

20 "[The--district--court,--concurrently--with-the-county-court,
21 shall-have-the-general-jurisdiction-of-a-probate-court,---it--shall
22 probate--wills,--appoint--guardians--of--minors,--idiots,--lunatics,
23 persons-non-compos--mentis--and--common--drunkards,--grant--letters
24 testamentary--and--of-administration,--settle-accounts-of-executors,
25 transact-all-business-appertaining--to--deceased--persons,--minors,
26 idiots,--lunatics,--persons-non-compos-mentis-and-common-drunkards,

8/9

including-the-settlement,-partition-and-distribution-of-estates--of
 deceased-persons-and-to-apprentice-minors,-as-provided-by-law---in
 any--proceeding--involving--the--general--jurisdiction-of-a-probate
 court,-including-such-specified--proceedings,-the--district--court
 shall--also-have-all-other-jurisdiction-conferred-upon-the-district
 court-by-law--The-legislature,-however,-shall-have-the--power,-by
 local--or-general-law,-Section-16-of-Article-V-of-this-Constitution
 notwithstanding,-to---increase,-diminish---or---eliminate---the
 jurisdiction--of--either--the-district-court-or-the-county-court-in
 probate-matters,-and-in-cases-of-any-such-change--of--jurisdiction,
 the--legislature--shall--also-conform-the-jurisdiction-of-the-other
 courts-to-such-change--The-legislature-shall-have-power--to--adopt
 rules--governing--the-filing,-distribution-and-transfer-of-all-such
 cases-and-proceedings-as-between-district--courts,-county--courts,
 and--other-courts-having-jurisdiction-thereof,-and-may-provide-that
 all-appeals-in-such-matters-shall--be--to--the--courts--of--(civil)
 appeals-]"

SECTION 5. That Article V, Section 16, of the Texas
 Constitution be amended to read as follows:

"Section 16. The County Court has jurisdiction as provided
 by law. The County Judge is the presiding officer of the County
 Court and has judicial functions as provided by law. County court
 judges shall have the power to issue writs necessary to enforce
 their jurisdiction.

"County Courts in existence on the effective date of this
 amendment are continued unless otherwise provided by law. [The

9/10

County-Court-shall-have-original-jurisdiction-of--all--misdemeanors
 of--which--exclusive--original--jurisdiction--is--not--given-to-the
 Justices-Court-as-the-same-is-now-or-may-hereafter-be-prescribed-by
 law,--and-when-the-fine-to-be-imposed-shall-exceed--\$200,--and--they
 shall--have--concurrent--jurisdiction-with-the-Justice-Court-in-all
 civil-cases-when-the-matter-in-controversy-shall--exceed--in--value
 \$200,--and-not-exceed-\$500,--exclusive-of-interest,--unless-otherwise
 provided-by-law,--and--concurrent--jurisdiction--with--the--District
 Court--when--the--matter--in-controversy-shall-exceed-\$500,--and-not
 exceed--\$1,000,--exclusive--of--interest,--but--shall--not--have
 jurisdiction--of--suits--for-the-recovery-of-land.--They-shall-have
 appellate--jurisdiction--in--cases--civil--and--criminal--of--which
 Justices-Courts-have-original-jurisdiction,--but-of-such-civil-cases
 only-when-the-judgment-of-the-court-appealed-from-shall-exceed-\$20,
 exclusive--of--cost,--under-such-regulations-as-may-be-prescribed-by
 law.--In-all-appeals-from-Justices-Courts-there-shall-be-a-trial-de
 novo-in-the-County-Court,--and-appeals-may-be--prosecuted--from--the
 final--judgment-rendered-in-such-cases-by-the-County-Court,--as-well
 as-all-cases-civil-and-criminal--of--which--the--County--Court--has
 exclusive--or--concurrent--or--original--jurisdiction--as--may--be
 prescribed-by-law-and-this-Constitution.

"[The-County-Court-shall-have-the-general-jurisdiction--of--a
 Probate--Court,--they--shall--probate--wills,--appoint-guardians-of
 minors,--idiots,--lunatics,--persons--non--compos--mentis--and--common
 drunkards,--grant-letters-testamentary-and-of-administration,--settle
 accounts--of--executors,--transact--all--business--appertaining--to

deceased persons, miners, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons and to apprentice miners, as provided by law, and the County Court, or judge thereof, shall have power to issue writs of injunctions, mandamus and all writs necessary to the enforcement of the jurisdiction of said Court, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the County Court, or any other Court or tribunal inferior to said Court. The County Court shall not have criminal jurisdiction in any county where there is a Criminal District Court, unless expressly conferred by law, and in such counties appeals from Justices Courts and other inferior courts and tribunals in criminal cases shall be to the Criminal District Court, under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such District Court as may be prescribed by law and this Constitution.] When the judge of the County Court is disqualified in any case pending in the County Court the parties interested may, by consent, appoint a proper person to try said case, or upon their failing to do so a competent person may be appointed to try the same in the county where it is pending in such manner as may be prescribed by law."

SECTION 6. That Article V, Section 17, of the Texas Constitution be amended to read as follows:

"Section 17. The County Court shall hold terms as [a term for civil business at least once in every two months, and shall

dispose-of-probate-business,--either-in-term-time-or-vacation-as-may
 be--provided--by-law,--and-said-court-shall-held-a-term-for-criminal
 business--once--in--every--month--as--may--be] provided by law.
 Prosecutions may be commenced in said court by information filed by
 the county attorney, or by affidavit, as may be provided by law.
 Grand juries empaneled [~~empanneled~~] in the District Courts shall
 enquire into misdemeanors, and all indictments therefor returned
 into the District Courts shall forthwith be certified to the County
 Courts or other inferior courts, having jurisdiction to try them
 for trial; and if such indictment be quashed in the County, or
 other inferior court, the person charged, shall not be discharged
 if there is probable cause of guilt, but may be held by such court
 or magistrate to answer an information or affidavit. A jury in the
 County Court shall consist of six men; but no jury shall be
empaneled [~~empanneled~~] to try a civil case unless demanded by one
 of the parties, who shall pay such jury fee therefor, in advance,
 as may be prescribed by law, unless he makes affidavit that he is
 unable to pay the same."

SECTION 7. That Article V, Section 19, of the Texas
 Constitution be amended to read as follows:

"Section 19. Justice of the peace courts shall have original
 jurisdiction in criminal matters of misdemeanor cases punishable by
 fine only, exclusive jurisdiction in civil matters where the amount
 in controversy is two hundred dollars or less, and such other
 jurisdiction as may be provided by law. Justices of the peace
 shall be ex officio notaries public [~~have-jurisdiction-in-criminal~~]

1 matters-of-all-cases-where-the-penalty-or-fine-to-be-imposed-by-law
 2 may-not-be-more-than-for-two-hundred-dollars,-and-exclusive
 3 jurisdiction-in-civil-matters-of-all-cases-where-the-amount-in
 4 controversy-is-two-hundred-dollars-or-less,-exclusive-of-interest,
 5 unless-exclusive-original-jurisdiction-is-given-to-the-District-or
 6 County-Courts,-and-concurrent-jurisdiction-with-the-County-Courts
 7 when-the-matter-in-controversy-exceeds-two-hundred-dollars-and-does
 8 not-exceed-five-hundred-dollars,-exclusive-of-interest,-unless
 9 exclusive-jurisdiction-is-given-to-the-County-Courts,-and,-as
 10 provided-by-law,-when-the-matter-in-controversy-exceeds-five
 11 hundred-dollars,-concurrent-jurisdiction-with-both-the-County
 12 Courts-and-the-District-Courts-in-an-amount-not-to-exceed-one
 13 thousand-dollars-exclusive-of-interest,-unless-exclusive
 14 jurisdiction-is-given-to-the-County-Courts-or-the-District-Courts,
 15 and-such-other-jurisdiction,-criminal-and-civil,-as-may-be-provided
 16 by-law,-under-such-regulations-as-may-be-prescribed-by-law,-and
 17 appeals-to-the-County-Courts-shall-be-allowed-in-all-cases-decided
 18 in-Justices'-Courts-where-the-judgment-is-for-more-than-twenty
 19 dollars-exclusive-of-costs,-and-in-all-criminal-cases-under-such
 20 regulations-as-may-be-prescribed-by-law.-And-the-justices-of-the
 21 peace-shall-be-ex-officio-notaries-public.-And-they-shall-hold
 22 their-courts-at-such-times-and-places-as-may-be-provided-by-law]."

23 SECTION 8. That Article V of the Texas Constitution be
 24 amended by adding a new Section 31 to read as follows:

25 "Section 31. Court administration and rule-making authority

26 "Section 31. (a) The Supreme Court is responsible for the

S.J.R. No. 14

1 efficient administration of the judicial branch and shall
2 promulgate rules of administration not inconsistent with the laws
3 of the state as may be necessary for the efficient and uniform
4 administration of justice in the various courts.

5 "(b) The Supreme Court shall promulgate rules of civil
6 procedure for all courts not inconsistent with the laws of the
7 state as may be necessary for the efficient and uniform
8 administration of justice in the various courts.

9 "(c) The legislature may delegate to the Supreme Court or
10 Court of Criminal Appeals the power to promulgate such other rules
11 as may be prescribed by law or this Constitution, subject to such
12 limitations and procedures as may be provided by law."

13 SECTION 9. That Article V of the Texas Constitution be
14 amended by repealing Sections 14, 16a, 22, and 25.

15 SECTION 10. That the following temporary provision be added
16 to the Texas Constitution:

17 "TEMPORARY PROVISION. (a) This temporary provision applies
18 to the constitutional amendment proposed by S.J.R. No. 14, 69th
19 Legislature, Regular Session, 1985, and expires January 1, 1992.

20 "(b) Courts of Appeals Districts and Judges. The supreme
21 judicial districts of the state become courts of appeals districts.
22 Associate justices of the courts of appeals become justices of the
23 courts of appeals.

24 "(c) County Courts and County Judges. Unless otherwise
25 provided by law, all county courts in existence under the
26 Constitution continue in effect with jurisdiction as provided by

14/15

1 law. The judges of those courts remain as county court judges and
2 as presiding officers of the county commissioners courts.

3 "(d) Municipal Courts, County Courts at Law, and Justice of
4 the Peace Courts. Unless otherwise provided by law, order,
5 charter, or ordinance, these courts and judges of them remain as
6 they exist at the time of adoption of the amendments, including any
7 new courts authorized by law but not taking effect until after the
8 date of adoption of these amendments.

9 "(e) Judicial Districts and Judges. Unless otherwise
10 provided by law, judicial districts in existence at the time of
11 adoption of these amendments remain in effect, including any
12 districts authorized by law but not taking effect until after the
13 date of adoption of these amendments.

14 "(f) Laws and Rules Continued. Except to the extent
15 inconsistent with the provisions of these amendments, all laws and
16 rules of court in force on the effective date of these amendments
17 continue in effect until otherwise provided by law.

18 "(g) Other Provisions. In the event a transfer or
19 transition has not been provided for by these amendments or other
20 law, the Supreme Court shall provide by rule for the orderly
21 transfer or transition.

22 "(h) The initial term of the member of the Judicial
23 Districts Board appointed by the governor expires on December 31,
24 1990."

25 SECTION 11. This proposed constitutional amendment shall be
26 submitted to the voters at an election to be held on November 5,

244
S.J.R. No. 14

1 1985. The ballot shall be printed to provide for voting for or
2 against the proposition: "The constitutional amendment providing
3 for the reapportionment of the judicial districts of the state by
4 the Judicial Districts Board or by the Legislative Redistricting
5 Board, and providing for the administration and jurisdiction of
6 constitutional courts."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 7, 1985

Honorable Bob Bush, Chair
Committee on Judiciary
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution No. 14,
as engrossed
By: Caperton

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 14, as engrossed (proposing a constitutional amendment to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board), this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The cost of publication of the resolution to the State is \$48,100.

No additional fiscal implication to the State or units of local government is anticipated.


Jim Oliver
Director

Source: LBB Staff: JO, JH, PA

CONFERENCE COMMITTEE REPORT FORM

May 27, 1985 Austin, Texas

Date

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.J.R. 14 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Senator Caperton

Rep. Charles Evans, Vice Chair

Senator Parabee

Rep. Criss Harris

Senator McFarland

Rep. Arnold

Senator WASHINGTON

Rep. T. Smith

On the part of the Senate Senator Edwards

On the part of the House

by record vote of
ADOPTED

124 yeas 19 nays
1 pnv

Paper clip one of these forms to each of the following:
the original and two copies to the house of origin
three copies to the other house

MAY 27 1985

Betty Murray
Chief Clerk
House of Representatives

SENATE VERSION

HOUSE VERSION

CONFERENCE REPORT

SECTION 1.

Adds a new Section 7a to Article V of the Texas Constitution, creating the Judicial Districts Board. The members of the board are the Chief Justice, the presiding judge of the Court of Criminal Appeals, the presiding judge of each of the administrative judicial districts, the President of the Texas Judicial Council, the Chairman of the House Judiciary Committee and the Senate Jurisprudence Committee, and one attorney selected by the Governor. The Board is authorized to reapportion judicial districts by majority vote during legislative interims, except during an interim immediately following a legislative reapportionment.

Within three years of each federal census, the Board is to convene to reapportion judicial districts on a statewide basis, unless the Legislature has already acted. If the Board fails to redistrict, the task is passed on to the Legislative Redistricting Board.

In addition to statewide reapportionment, the Board may reapportion with respect to specific judicial districts whenever necessary. Any reapportionment order adopted by the Board must be approved by the Legislature before it becomes effective.

The house version removes the "chairman of the Jurisprudence Committee of the Senate and the chairman of the Committee on the Judiciary of the House of Representatives." (Subsection (b))

The house version removes the reference to "parts of a county" (Subsection (f)).

The house version removes the Senate amendment which neutralized the Legislative directive. (Subsection (f)).

The house version removes the reference to "parts of a county." (subsection (h)).

SIDE-BY-SIDE ANALYSIS OF S.J.R. 14

SENATE VERSION

HOUSE VERSION

CONFERENCE REPORT

SECTION 2. Temporary provision applicable to the initial term of the Board member appointed by the Governor.

Same as Senate

State divided into Court of Appeals districts. (V,6)

SECTION 3. No similar provision.

No similar provision.

District Court districts, clean-up language (V,7)

SECTION 4. No similar provision.

No similar provision.

District Court jurisdiction (V,8)

SECTION 5. No similar provision

No similar provision

County Court jurisdiction (V,16)

SECTION 6. No similar provision

No similar provision

County Court terms. (V,17)

SECTION 7. No similar provision

No similar provision

Justice of the Peace jurisdiction. (V,19).

SECTION 8. No similar provision.

No similar provision.

Court Administration and rule-making authority. Leaves most power to the legislature: Supreme Court can adopt administrative and procedural rules not inconsistent with law, and that legislature can delegate rule-making in other areas. Court of Criminal Appeals given rule-making power.

SECTION 9. No similar provision.

No similar provision.

REPEALS: Const. Art. V:

sec. 14. "Judicial districts and time of holding court fixed by ordinance."

sec. 16a. "Judges of statutory courts with probate jurisdiction; assignment."

sec. 22. "Changing jurisdiction of County Courts."

SENATE VERSION	HOUSE VERSION	CONFERENCE REPORT
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SECTION 9. (cont.)		sec. 25. "Rules of court."
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SECTION 10. Temporary provision.	Same provision.	Same provision.
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SECTION 11. No similar provision.	No similar provision.	Calls for 1985 ballot submission, and restates question to be submitted to include court administration.
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SENATE VERSION

HOUSE VERSION

CONFERENCE REPORT

SECTION 1. Adds a new Section 7a to Article V

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Within three years of each federal census, the Board is to convene to reapportion judicial districts on a statewide basis, unless the Legislature has already acted. If the Board fails to redistrict, the task is passed on to the Legislative Redistricting Board.

In addition to statewide reapportionment, the Board may reapportion with respect to specific judicial districts whenever necessary. Any reapportionment order adopted by the Board must be approved by the Legislature before it becomes effective.

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House version.

The house version removes the reference to "parts of a county" (Subsection (f)).

House version

The house version removes the Senate amendment which neutralized the Legislative directive. (Subsection (f)).

House version

The house version removes the reference to "parts of a county." (subsection (h)).

House version

New subsection (i): Allows counties to vote in a general election on the proposition of districts containing parts of a county.

SIDE-BY-SIDE ANALYSIS OF S.J.R. 14

SENATE VERSION

HOUSE VERSION

CONFERENCE REPORT

SECTION 2. Temporary provision applicable to the initial term of the Board member appointed by the Governor.

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State divided into Court of Appeals districts. (V,6)

SECTION 3. No similar provision.

No similar provision.

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SECTION 4. No similar provision.

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District Court jurisdiction (V,8)

SECTION 5. No similar provision

No similar provision

County Court jurisdiction (V,16)

SECTION 6. No similar provision

No similar provision

County Court terms. (V,17)

SECTION 7. No similar provision

No similar provision

Justice of the Peace jurisdiction. (V,19).

SECTION 8. No similar provision.

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SECTION 9. No similar provision.

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SENATE VERSION

HOUSE VERSION

CONFERENCE REPORT

SECTION 9. (cont.)

sec. 25. "Rules of court."

SECTION 10. Temporary provision.

Same provision.

Same provision.

SECTION 11. No similar provision.

No similar provision.

Calls for 1985 ballot submission, and restates question to be submitted to include court administration.

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 25, 1985

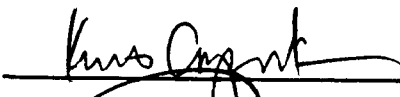
Date

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.J.R. 14 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



Senator Caperton



Senator Farabee



Senator McFarland



Senator Washington



On the part of the Senate Senator Edwards

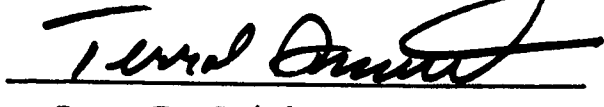


Rep. Charles Evans, Vice Chair

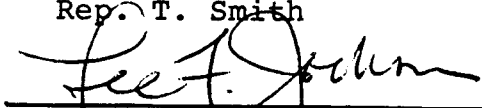


Rep. ~~Chris~~ Harris
CHRIS

Rep. Arnold



Rep. T. Smith



On the part of the House

Paper clip one of these forms to each of the following:
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three copies to the other house

CONFERENCE COMMITTEE REPORT

3rd Printing

S.J.R. No. 14

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to court jurisdiction and administration and to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article V of the Texas Constitution be amended by adding Section 7a to read as follows:

"Section 7a. (a) The Judicial Districts Board is created to reapportion the judicial districts authorized by Article V, Section 7, of this constitution.

"(b) The membership of the board consists of the Chief Justice of the Texas Supreme Court who serves as chairman, the presiding judge of the Texas Court of Criminal Appeals, the presiding judge of each of the administrative judicial districts of the state, the president of the Texas Judicial Council, and one person who is licensed to practice law in this state appointed by the governor with the advice and consent of the senate for a term of four years. In the event of a vacancy in the appointed membership, the vacancy is filled for the unexpired term in the same manner as the original appointment.

"(c) A majority of the total membership of the board constitutes a quorum for the transaction of business. The adoption of a reapportionment order requires a majority vote of the total membership of the board.

"(d) The reapportionment powers of the board shall be

1 exercised in the interims between regular sessions of the
2 legislature, except that a reapportionment may not be ordered by
3 the board during an interim immediately following a regular session
4 of the legislature in which a valid and subsisting statewide
5 apportionment of judicial districts is enacted by the legislature.
6 The board has other powers and duties as provided by the
7 legislature and shall exercise its powers under the policies,
8 rules, standards, and conditions, not inconsistent with this
9 section, that the legislature provides.

10 "(e) Unless the legislature enacts a statewide
11 reapportionment of the judicial districts following each federal
12 decennial census, the board shall convene not later than the first
13 Monday of June of the third year following the year in which the
14 federal decennial census is taken to make a statewide
15 reapportionment of the districts. The board shall complete its
16 work on the reapportionment and file its order with the secretary
17 of state not later than August 31 of the same year. If the
18 Judicial Districts Board fails to make a statewide apportionment by
19 that date, the Legislative Redistricting Board established by
20 Article III, Section 28, of this constitution shall make a
21 statewide reapportionment of the judicial districts not later than
22 the 150th day after the final day for the Judicial Districts Board
23 to make the reapportionment.

24 "(f) In addition to the statewide reapportionment, the board
25 may reapportion the judicial districts of the state as the
26 necessity for reapportionment appears by redesignating, in one or

1 more reapportionment orders, the county or counties that comprise
2 the specific judicial districts affected by those reapportionment
3 orders. In modifying any judicial district, no county having a
4 population as large or larger than the population of the judicial
5 district being reapportioned shall be added to the judicial
6 district.

7 "(g) Except as provided by Subsection (i) of this section,
8 this section does not limit the power of the legislature to
9 reapportion the judicial districts of the state, to increase the
10 number of judicial districts, or to provide for consequent matters
11 on reapportionment. The legislature may provide for the effect of
12 a reapportionment made by the board on pending cases or the
13 transfer of pending cases, for jurisdiction of a county court where
14 county court jurisdiction has been vested by law in a district
15 court affected by the reapportionment, for terms of the courts upon
16 existing officers and their duties, and for all other matters
17 affected by the reapportionment. The legislature may delegate any
18 of these powers to the board. The legislature shall provide for
19 the necessary expenses of the board.

20 "(h) Any judicial reapportionment order adopted by the board
21 must be approved by a record vote of the majority of the membership
22 of both the senate and house of representatives before such order
23 can become effective and binding.

24 "(i) The legislature, the Judicial Districts Board, or the
25 Legislative Redistricting Board may not redistrict the judicial
26 districts to provide for any judicial district smaller in size than

1 an entire county except as provided by this section. Judicial
 2 districts smaller in size than the entire county may be created
 3 subsequent to a general election where a majority of the persons
 4 voting on the proposition adopt the proposition 'to allow the
 5 division of _____ County into judicial districts composed of
 6 parts of _____ County.' No redistricting plan may be proposed
 7 or adopted by the legislature, the Judicial Districts Board, or the
 8 Legislative Redistricting Board in anticipation of a future action
 9 by the voters of any county."

10 SECTION 2. That Article V, Section 6, of the Texas
 11 Constitution be amended to read as follows:

12 "Section 6. The state shall be divided into courts of
 13 appeals districts, with each district having a Chief Justice, two
 14 or more other Justices, and such other officials as may be provided
 15 by law. The Justices shall have the qualifications prescribed for
 16 Justices of the Supreme Court. [~~The-Legislature-shall-divide-the~~
 17 ~~State-into-such-Supreme-judicial-districts-as--the--population--and~~
 18 ~~business--may--require,--and--shall-establish-a-Court-of-Appeals-in~~
 19 ~~each-of-said-districts,--which-shall-consist-of-a-Chief-Justice--and~~
 20 ~~at--least-two-Associate-Justices,--who-shall-have-the-qualifications~~
 21 ~~as-herein-prescribed-for-Justices-of-the-Supreme-Court-]~~ The Court
 22 of Appeals may sit in sections as authorized by law. The
 23 concurrence of a majority of the judges sitting in a section is
 24 necessary to decide a case. Said Court of Appeals shall have
 25 appellate jurisdiction co-extensive with the limits of their
 26 respective districts, which shall extend to all cases of which the

District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law. Provided, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law.

"Each of said Courts of Appeals shall hold its sessions at a place in its district to be designated by the Legislature, and at such time as may be prescribed by law. Said Justices shall be elected by the qualified voters of their respective districts at a general election, for a term of six years and shall receive for their services the sum provided by law. Each Court of Appeals shall appoint a clerk in the same manner as the clerk of the Supreme Court which clerk shall receive such compensation as may be fixed by law.

"[On-the-effective-date-of-this-amendment,--the--Justices--of the--present--Courts--of--Civil--Appeals-become-the-Justices-of-the Courts-of-Appeals-for-the--term--of--office--to--which--elected--or appointed--as--Justices--of--the--Courts--of--Civil--Appeals,--and-the Supreme-Judicial-Districts-become-the--Supreme--Judicial--Districts for--the--Courts--of--Appeals.] All constitutional and statutory references to the Courts of Civil Appeals shall be construed to mean the Courts of Appeals."

SECTION 3. That Article V, Section 7, of the Texas Constitution be amended to read as follows:

"Section 7. The State shall be divided into [as--many]

1 judicial districts, with each district having one or more Judges as
 2 may be provided by law or by this Constitution [~~as-may-now-or~~
 3 ~~hereafter-be-provided-by-law, which-may-be-increased-or--diminished~~
 4 ~~by--law~~]. Each district judge [~~For-each-district-there~~] shall be
 5 elected by the qualified voters [~~thereof,~~] at a General Election
 6 and [~~;-a-Judge;-who~~] shall be a citizen of the United States and of
 7 this State, who is [~~shall--be~~] licensed to practice law in this
 8 State and has [~~shall-have~~] been a practicing lawyer or a Judge of a
 9 Court in this State, or both combined, for four (4) years next
 10 preceding his election, who has [~~shall--have~~] resided in the
 11 district in which he was elected for two (2) years next preceding
 12 his election, and who shall reside in his district during his term
 13 of office and [~~;-who-shall~~] hold his office for the period of four
 14 (4) years, and who shall receive for his services an annual salary
 15 to be fixed by the Legislature. The Court shall conduct its
 16 proceedings at the county seat of the county in which the case is
 17 pending, except as otherwise provided by law. He shall hold the
 18 regular terms of his Court at the County Seat of each County in his
 19 district [~~at--least--twice--in-each-year~~] in such manner as may be
 20 prescribed by law. The Legislature shall have power by General or
 21 Special Laws to make such provisions concerning the terms or
 22 sessions of each Court as it may deem necessary.

23 "The Legislature shall also provide for the holding of
 24 District Court when the Judge thereof is absent, or is from any
 25 cause disabled or disqualified from presiding.

26 "[~~The--District--Judges--who--may--be--in--office--when--this~~

Amendment--takes--effect--shall--hold--their--offices--until--their
 respective--terms--shall--expire--under--their--present--election--or
 appointment.] "

SECTION 4. That Article V, Section 8, of the Texas
 Constitution be amended to read as follows:

"Section 8. District Court jurisdiction consists of
exclusive, appellate, and original jurisdiction of all actions,
proceedings, and remedies, except in cases where exclusive,
appellate, or original jurisdiction may be conferred by this
Constitution or other law on some other court, tribunal, or
administrative body. District court judges shall have the power to
issue writs necessary to enforce their jurisdiction. [The
~~District--Court--shall--have--original--jurisdiction--in--all--criminal~~
~~cases--of--the--grade--of--felony,--in--all--suits--in--behalf--of--the--State~~
~~to--recover--penalties,--forfeitures--and--escheats,--of--all--cases~~
~~of--divorce,--of--all--misdemeanors--involving--official--misconduct,--of~~
~~all---suits--to--recover--damages--for--slander--or--defamation--of~~
~~character,--of--all--suits--for--trial--of--title--to--land--and--for--the~~
~~enforcement--of--liens--thereon,--of--all--suits--for--the--trial--of--the~~
~~right--of--property--levied--upon--by--virtue--of--any--writ--of--execution,~~
~~sequestration--or--attachment--when--the--property--levied--on--shall--be~~
~~equal--to--or--exceed--in--value--five--hundred--dollars,--of--all--suits,~~
~~complaints--or--pleas--whatever,--without--regard--to--any--distinction~~
~~between--law--and--equity,--when--the--matter--in--controversy--shall--be~~
~~valued--at--or--amount--to--five--hundred--dollars--exclusive--of--interest,~~
~~of--contested--elections,--and--said--court--and--the--judges--thereof,~~

1 shall--have--power--to--issue--writs--of--habeas--corpus,--mandamus,
 2 injunction-and-certiorari,--and-all-writs-necessary-to-enforce-their
 3 jurisdiction.

4 "[The-District-Court-shall-have--appellate--jurisdiction--and
 5 general---control---in--probate--matters,--over--the--County--Court
 6 established-in-each--county,--for--appointing--guardians,--granting
 7 letters--testamentary--and--of-administration,--probating-wills,--for
 8 settling-the-accounts-of-executors,--administrators--and--guardians,
 9 and--for--the--transaction-of-all-business-appertaining-to-estates,
 10 and-original--jurisdiction--and--general--control--over--executors,
 11 administrators,--guardians-and-minors-under-such-regulations-as-may
 12 be-prescribed-by-law.] The District Court shall have appellate
 13 jurisdiction and general supervisory control over the County
 14 Commissioners Court, with such exceptions and under such
 15 regulations as may be prescribed by law[,--and-shall-have-general
 16 original-jurisdiction-over-all-causes-of-action-whatever-for--which
 17 a---remedy---or--jurisdiction--is--not--provided--by--law--or--this
 18 Constitution,--and-such-ether-jurisdiction,--original-and--appellate,
 19 as-may-be-provided-by-law].

20 "[The--district--court,--concurrently--with-the-county-court,
 21 shall-have-the-general-jurisdiction-of-a-probate-court.---it--shall
 22 probate--wills,--appoint--guardians--of--minors,--idiots,--lunatics,
 23 persons-non-compes-mentis--and--common--drunkards,--grant--letters
 24 testamentary--and--of-administration,--settle-accounts-of-executors,
 25 transact-all-business-appertaining--to--deceased--persons,--minors,
 26 idiots,--lunatics,--persons-non-compes-mentis-and-common-drunkards,

including the settlement, partition and distribution of estates of deceased persons and to apprentice minors, as provided by law. In any proceeding involving the general jurisdiction of a probate court, including such specified proceedings, the district court shall also have all other jurisdiction conferred upon the district court by law. The legislature, however, shall have the power, by local or general law, Section 16 of Article V of this Constitution notwithstanding, to increase, diminish or eliminate the jurisdiction of either the district court or the county court in probate matters, and in cases of any such change of jurisdiction, the legislature shall also conform the jurisdiction of the other courts to such change. The legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and may provide that all appeals in such matters shall be to the courts of (civil) appeals.]"

SECTION 5. That Article V, Section 16, of the Texas Constitution be amended to read as follows:

"Section 16. The County Court has jurisdiction as provided by law. The County Judge is the presiding officer of the County Court and has judicial functions as provided by law. County court judges shall have the power to issue writs necessary to enforce their jurisdiction.

"County Courts in existence on the effective date of this amendment are continued unless otherwise provided by law. [The

1 County-Court-shall-have-original-jurisdiction-of--all--misdemeanors
 2 of--which--exclusive--original--jurisdiction--is--not--given-to-the
 3 Justices-Court-as-the-same-is-now-or-may-hereafter-be-prescribed-by
 4 law,-and-when-the-fine-to-be-imposed-shall-exceed--\$200,-and--they
 5 shall--have--concurrent--jurisdiction-with-the-Justice-Court-in-all
 6 civil-cases-when-the-matter-in-controversy-shall--exceed--in--value
 7 \$200,-and-not-exceed-\$500,-exclusive-of-interest,-unless-otherwise
 8 provided-by-law,-and--concurrent--jurisdiction--with--the--District
 9 Court--when--the--matter--in-controversy-shall-exceed-\$500,-and-not
 10 exceed--\$1,000,-exclusive--of--interest,-but---shall---not---have
 11 jurisdiction--of--suits--for-the-recovery-of-land--They-shall-have
 12 appellate--jurisdiction--in--cases--civil--and--criminal--of--which
 13 Justices-Courts-have-original-jurisdiction,-but-of-such-civil-cases
 14 only-when-the-judgment-of-the-court-appealed-from-shall-exceed-\$20,-
 15 exclusive--of--cost,-under-such-regulations-as-may-be-prescribed-by
 16 law--In-all-appeals-from-Justices-Courts-there-shall-be-a-trial-de
 17 novo-in-the-County-Court,-and-appeals-may-be--prosecuted--from--the
 18 final--judgment-rendered-in-such-cases-by-the-County-Court,-as-well
 19 as-all-cases-civil-and-criminal--of--which--the--County--Court--has
 20 exclusive---or--concurrent--or--original--jurisdiction--as--may--be
 21 prescribed-by-law-and-this-Constitution-

22 "[The-County-Court-shall-have-the-general-jurisdiction--of--a
 23 Probate--Court,-they--shall--probate--wills,-appoint-guardians-of
 24 minors,-idiots,-lunatics,-persons--non--compes--mentis--and--common
 25 drunkards,-grant-letters-testamentary-and-of-administration,-settle
 26 accounts--of--executors,-transact--all--business--appertaining--to

1 deceased-persons,--minors,--idiots,--lunatics,--persons--non--compes
 2 mentis--and--common--drunkards,--including-the-settlement,--partition
 3 and-distribution-of-estates-of-deceased-persons-and--to--apprentice
 4 minors,--as-provided-by-law,--and-the-County-Court,--or-judge-thereof,
 5 shall--have--power--to-issue-writs-of-injunctions,--mandamus-and-all
 6 writs-necessary-to-the-enforcement--of--the--jurisdiction--of--said
 7 Court,--and--to--issue--writs--of--habeas-corpus-in-cases-where-the
 8 offense-charged-is-within-the-jurisdiction-of-the-County-Court,--or
 9 any--ether--Court--or--tribunal-inferior-to-said-Court.--The-County
 10 Court-shall-not-have-criminal--jurisdiction--in--any--county--where
 11 there--is--a-Criminal-District-Court,--unless-expressly-conferred-by
 12 law,--and-in-such-counties-appeals-from-Justices--Courts--and--other
 13 inferior--courts--and--tribunals--in-criminal-cases-shall-be-to-the
 14 Criminal--District--Court,--under--such--regulations--as--may--be
 15 prescribed--by--law,--and-in-all-such-cases-an-appeal-shall-lie-from
 16 such--District--Court--as--may--be--prescribed--by--law--and--this
 17 Constitution.] When the judge of the County Court is disqualified
 18 in any case pending in the County Court the parties interested may,
 19 by consent, appoint a proper person to try said case, or upon their
 20 failing to do so a competent person may be appointed to try the
 21 same in the county where it is pending in such manner as may be
 22 prescribed by law."

23 SECTION 6. That Article V, Section 17, of the Texas
 24 Constitution be amended to read as follows:

25 "Section 17. The County Court shall hold terms as [a-term
 26 for-civil-business-at-least-once-in-every--two--months,--and--shall

dispose-of-probate-business,-either-in-term-time-or-vacation-as-may
 be--provided--by-law,-and-said-court-shall-held-a-term-for-criminal
 business--once--in--every--month--as--may--be] provided by law.
 Prosecutions may be commenced in said court by information filed by
 the county attorney, or by affidavit, as may be provided by law.
 Grand juries empaneled [empanneled] in the District Courts shall
 enquire into misdemeanors, and all indictments therefor returned
 into the District Courts shall forthwith be certified to the County
 Courts or other inferior courts, having jurisdiction to try them
 for trial; and if such indictment be quashed in the County, or
 other inferior court, the person charged, shall not be discharged
 if there is probable cause of guilt, but may be held by such court
 or magistrate to answer an information or affidavit. A jury in the
 County Court shall consist of six men; but no jury shall be
empaneled [empanneled] to try a civil case unless demanded by one
 of the parties, who shall pay such jury fee therefor, in advance,
 as may be prescribed by law, unless he makes affidavit that he is
 unable to pay the same."

SECTION 7. That Article V, Section 19, of the Texas
 Constitution be amended to read as follows:

"Section 19. Justice of the peace courts shall have original
 jurisdiction in criminal matters of misdemeanor cases punishable by
 fine only, exclusive jurisdiction in civil matters where the amount
 in controversy is two hundred dollars or less, and such other
 jurisdiction as may be provided by law. Justices of the peace
 shall be ex officio notaries public [have-jurisdiction-in-criminal

1 matters-of-all-cases-where-the-penalty-or-fine-to-be-imposed-by-law
 2 may-not-be--more--than--for--two--hundred--dollars,--and--exclusive
 3 jurisdiction--in--civil--matters--of--all-cases-where-the-amount-in
 4 controversy-is-two-hundred-dollars-or-less,--exclusive-of--interest,
 5 unless--exclusive-original-jurisdiction-is-given-to-the-District-or
 6 County-Courts,--and-concurrent-jurisdiction-with-the--County--Courts
 7 when-the-matter-in-controversy-exceeds-two-hundred-dollars-and-does
 8 not--exceed--five--hundred--dollars,--exclusive-of-interest,--unless
 9 exclusive-jurisdiction-is-given--to--the--County--Courts,--and,--as
 10 provided--by--law,--when--the--matter--in--controversy-exceeds-five
 11 hundred-dollars,--concurrent--jurisdiction--with--both--the--County
 12 Courts--and--the--District--Courts--in--an-amount-not-to-exceed-one
 13 thousand--dollars---exclusive---of---interest,---unless---exclusive
 14 jurisdiction--is-given-to-the-County-Courts-or-the-District-Courts,
 15 and-such-other-jurisdiction,--criminal-and-civil,--as-may-be-provided
 16 by-law,--under-such-regulations-as-may-be--prescribed--by--law,--and
 17 appeals--to-the-County-Courts-shall-be-allowed-in-all-cases-decided
 18 in-Justices'-Courts-where-the-judgment--is--for--more--than--twenty
 19 dollars--exclusive--of--costs,--and-in-all-criminal-cases-under-such
 20 regulations-as-may-be-prescribed-by-law. --And-the-justices--of--the
 21 peace--shall--be--ex--officio-notaries-public. --And-they-shall-hold
 22 their-courts-at-such-times-and-places-as-may-be-provided-by--law]. "

23 SECTION 8. That Article V of the Texas Constitution be
 24 amended by adding a new Section 31 to read as follows:

25 "Section 31. Court administration and rule-making authority

26 "Section 31. (a) The Supreme Court is responsible for the

1 efficient administration of the judicial branch and shall
2 promulgate rules of administration not inconsistent with the laws
3 of the state as may be necessary for the efficient and uniform
4 administration of justice in the various courts.

5 "(b) The Supreme Court shall promulgate rules of civil
6 procedure for all courts not inconsistent with the laws of the
7 state as may be necessary for the efficient and uniform
8 administration of justice in the various courts.

9 "(c) The legislature may delegate to the Supreme Court or
10 Court of Criminal Appeals the power to promulgate such other rules
11 as may be prescribed by law or this Constitution, subject to such
12 limitations and procedures as may be provided by law."

13 SECTION 9. That Article V of the Texas Constitution be
14 amended by repealing Sections 14, 16a, 22, and 25.

15 SECTION 10. That the following temporary provision be added
16 to the Texas Constitution:

17 "TEMPORARY PROVISION. (a) This temporary provision applies
18 to the constitutional amendment proposed by S.J.R. No. 14, 69th
19 Legislature, Regular Session, 1985, and expires January 1, 1992.

20 "(b) Courts of Appeals Districts and Judges. The supreme
21 judicial districts of the state become courts of appeals districts.
22 Associate justices of the courts of appeals become justices of the
23 courts of appeals.

24 "(c) County Courts and County Judges. Unless otherwise
25 provided by law, all county courts in existence under the
26 Constitution continue in effect with jurisdiction as provided by

1 law. The judges of those courts remain as county court judges and
2 as presiding officers of the county commissioners courts.

3 "(d) Municipal Courts, County Courts at Law, and Justice of
4 the Peace Courts. Unless otherwise provided by law, order,
5 charter, or ordinance, these courts and judges of them remain as
6 they exist at the time of adoption of the amendments, including any
7 new courts authorized by law but not taking effect until after the
8 date of adoption of these amendments.

9 "(e) Judicial Districts and Judges. Unless otherwise
10 provided by law, judicial districts in existence at the time of
11 adoption of these amendments remain in effect, including any
12 districts authorized by law but not taking effect until after the
13 date of adoption of these amendments.

14 "(f) Laws and Rules Continued. Except to the extent
15 inconsistent with the provisions of these amendments, all laws and
16 rules of court in force on the effective date of these amendments
17 continue in effect until otherwise provided by law.

18 "(g) Other Provisions. In the event a transfer or
19 transition has not been provided for by these amendments or other
20 law, the Supreme Court shall provide by rule for the orderly
21 transfer or transition.

22 "(h) The initial term of the member of the Judicial
23 Districts Board appointed by the governor expires on December 31,
24 1990."

25 SECTION 11. This proposed constitutional amendment shall be
26 submitted to the voters at an election to be held on November 5,

1 1985. The ballot shall be printed to provide for voting for or
2 against the proposition: "The constitutional amendment providing
3 for the reapportionment of the judicial districts of the state by
4 the Judicial Districts Board or by the Legislative Redistricting
5 Board, and providing for the administration and jurisdiction of
6 constitutional courts."

SENATE VERSION

HOUSE VERSION

CONFERENCE REPORT

SECTION 1. Adds a new Section 7a to Article V

of the Texas Constitution, creating the Judicial Districts Board. The members of the board are the Chief Justice, the presiding judge of the Court of Criminal Appeals, the presiding judge of each of the administrative judicial districts, the President of the Texas Judicial Council, the Chairman of the House Judiciary Committee and the Senate Jurisprudence Committee, and one attorney selected by the Governor. The Board is authorized to reapportion judicial districts by majority vote during legislative interims, except during an interim immediately following a legislative reapportionment.

Within three years of each federal census, the Board is to convene to reapportion judicial districts on a statewide basis, unless the Legislature has already acted. If the Board fails to redistrict, the task is passed on to the Legislative Redistricting Board.

In addition to statewide reapportionment, the Board may reapportion with respect to specific judicial districts whenever necessary. Any reapportionment order adopted by the Board must be approved by the Legislature before it becomes effective.

The house version removes the "chairman of the Jurisprudence Committee of the Senate and the chairman of the Committee on the Judiciary of the House of Representatives." (Subsection (b))

House version.

The house version removes the reference to "parts of a county" (Subsection (f)).

House version

The house version removes the Senate amendment which neutralized the Legislative directive. (Subsection (f)).

House version

The house version removes the reference to "parts of a county." (subsection (h)).

House version

New subsection (i): Allows counties to vote in a general election on the proposition of districts containing parts of a county.

SIDE-BY-SIDE ANALYSIS OF S.J.R. 14

SENATE VERSION

HOUSE VERSION

CONFERENCE REPORT

SECTION 2. Temporary provision applicable to the initial term of the Board member appointed by the Governor.

Same as Senate

State divided into Court of Appeals districts. (V,6)

SECTION 3. No similar provision.

No similar provision.

District Court districts, clean-up language (V,7)

SECTION 4. No similar provision.

No similar provision.

District Court jurisdiction (V,8)

SECTION 5. No similar provision

No similar provision

County Court jurisdiction (V,16)

SECTION 6. No similar provision

No similar provision

County Court terms. (V,17)

SECTION 7. No similar provision

No similar provision

Justice of the Peace jurisdiction. (V,19).

SECTION 8. No similar provision.

No similar provision.

Court Administration and rule-making authority. Leaves most power to the legislature: Supreme Court can adopt administrative and procedural rules not inconsistent with law, and that legislature can delegate rule-making in other areas. Court of Criminal Appeals given rule-making power.

SECTION 9. No similar provision.

No similar provision.

REPEALS: Const. Art. V:
sec. 14. "Judicial districts and time of holding court fixed by ordinance."

sec. 16a. "Judges of statutory courts with probate jurisdiction; assignment."

sec. 22. "Changing jurisdiction of County Courts."

SENATE VERSION

HOUSE VERSION

CONFERENCE REPORT

SECTION 9. (cont.)

sec. 25. "Rules of court."

SECTION 10. Temporary provision.

Same provision.

Same provision.

SECTION 11. No similar provision.

No similar provision.

Calls for 1985 ballot submission, and restates question to be submitted to include court administration.

Enrolled May 27, 1985
Patsy Spaw
Enrolling Clerk

S.J.R. No. 14

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to court jurisdiction and administration and to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article V of the Texas Constitution be amended by adding Section 7a to read as follows:

"Section 7a. (a) The Judicial Districts Board is created to reapportion the judicial districts authorized by Article V, Section 7, of this constitution.

"(b) The membership of the board consists of the Chief Justice of the Texas Supreme Court who serves as chairman, the presiding judge of the Texas Court of Criminal Appeals, the presiding judge of each of the administrative judicial districts of the state, the president of the Texas Judicial Council, and one person who is licensed to practice law in this state appointed by the governor with the advice and consent of the senate for a term of four years. In the event of a vacancy in the appointed membership, the vacancy is filled for the unexpired term in the same manner as the original appointment.

"(c) A majority of the total membership of the board constitutes a quorum for the transaction of business. The adoption of a reapportionment order requires a majority vote of the total membership of the board.

1 "(d) The reapportionment powers of the board shall be
 2 exercised in the interims between regular sessions of the
 3 legislature, except that a reapportionment may not be ordered by
 4 the board during an interim immediately following a regular session
 5 of the legislature in which a valid and subsisting statewide
 6 apportionment of judicial districts is enacted by the legislature.
 7 The board has other powers and duties as provided by the
 8 legislature and shall exercise its powers under the policies,
 9 rules, standards, and conditions, not inconsistent with this
 10 section, that the legislature provides.

11 "(e) Unless the legislature enacts a statewide
 12 reapportionment of the judicial districts following each federal
 13 decennial census, the board shall convene not later than the first
 14 Monday of June of the third year following the year in which the
 15 federal decennial census is taken to make a statewide
 16 reapportionment of the districts. The board shall complete its
 17 work on the reapportionment and file its order with the secretary
 18 of state not later than August 31 of the same year. If the
 19 Judicial Districts Board fails to make a statewide apportionment by
 20 that date, the Legislative Redistricting Board established by
 21 Article III, Section 28, of this constitution shall make a
 22 statewide reapportionment of the judicial districts not later than
 23 the 150th day after the final day for the Judicial Districts Board
 24 to make the reapportionment.

25 "(f) In addition to the statewide reapportionment, the board
 26 may reapportion the judicial districts of the state as the

necessity for reapportionment appears by redesignating, in one or more reapportionment orders, the county or counties that comprise the specific judicial districts affected by those reapportionment orders. In modifying any judicial district, no county having a population as large or larger than the population of the judicial district being reapportioned shall be added to the judicial district.

"(g) Except as provided by Subsection (i) of this section, this section does not limit the power of the legislature to reapportion the judicial districts of the state, to increase the number of judicial districts, or to provide for consequent matters on reapportionment. The legislature may provide for the effect of a reapportionment made by the board on pending cases or the transfer of pending cases, for jurisdiction of a county court where county court jurisdiction has been vested by law in a district court affected by the reapportionment, for terms of the courts upon existing officers and their duties, and for all other matters affected by the reapportionment. The legislature may delegate any of these powers to the board. The legislature shall provide for the necessary expenses of the board.

"(h) Any judicial reapportionment order adopted by the board must be approved by a record vote of the majority of the membership of both the senate and house of representatives before such order can become effective and binding.

"(i) The legislature, the Judicial Districts Board, or the Legislative Redistricting Board may not redistrict the judicial

S.J.R. No. 14

1 districts to provide for any judicial district smaller in size than
2 an entire county except as provided by this section. Judicial
3 districts smaller in size than the entire county may be created
4 subsequent to a general election where a majority of the persons
5 voting on the proposition adopt the proposition 'to allow the
6 division of _____ County into judicial districts composed of
7 parts of _____ County.' No redistricting plan may be proposed
8 or adopted by the legislature, the Judicial Districts Board, or the
9 Legislative Redistricting Board in anticipation of a future action
10 by the voters of any county."

11 SECTION 2. That Article V, Section 6, of the Texas
12 Constitution be amended to read as follows:

13 "Section 6. The state shall be divided into courts of
14 appeals districts, with each district having a Chief Justice, two
15 or more other Justices, and such other officials as may be provided
16 by law. The Justices shall have the qualifications prescribed for
17 Justices of the Supreme Court. [The-Legislature-shall-divide-the
18 State-into-such-Supreme-judicial-districts-as--the--population--and
19 business--may--require,--and--shall-establish-a-Court-of-Appeals-in
20 each-of-said-districts,--which-shall-consist-of-a-Chief-Justice--and
21 at--least-two-Associate-Justices,--who-shall-have-the-qualifications
22 as-herein-prescribed-for-Justices-of-the-Supreme-Court.] The Court
23 of Appeals may sit in sections as authorized by law. The
24 concurrence of a majority of the judges sitting in a section is
25 necessary to decide a case. Said Court of Appeals shall have
26 appellate jurisdiction co-extensive with the limits of their

1 respective districts, which shall extend to all cases of which the
2 District Courts or County Courts have original or appellate
3 jurisdiction, under such restrictions and regulations as may be
4 prescribed by law. Provided, that the decision of said courts
5 shall be conclusive on all questions of fact brought before them on
6 appeal or error. Said courts shall have such other jurisdiction,
7 original and appellate, as may be prescribed by law.

8 "Each of said Courts of Appeals shall hold its sessions at a
9 place in its district to be designated by the Legislature, and at
10 such time as may be prescribed by law. Said Justices shall be
11 elected by the qualified voters of their respective districts at a
12 general election, for a term of six years and shall receive for
13 their services the sum provided by law. Each Court of Appeals
14 shall appoint a clerk in the same manner as the clerk of the
15 Supreme Court which clerk shall receive such compensation as may be
16 fixed by law.

17 "[~~On the effective date of this amendment, the Justices of~~
18 ~~the present Courts of Civil Appeals become the Justices of the~~
19 ~~Courts of Appeals for the term of office to which elected or~~
20 ~~appointed as Justices of the Courts of Civil Appeals, and the~~
21 ~~Supreme Judicial Districts become the Supreme Judicial Districts~~
22 ~~for the Courts of Appeals.] All constitutional and statutory~~
23 references to the Courts of Civil Appeals shall be construed to
24 mean the Courts of Appeals."

25 SECTION 3. That Article V, Section 7, of the Texas
26 Constitution be amended to read as follows:

"Section 7. The State shall be divided into ~~[as--many]~~ judicial districts, with each district having one or more Judges as may be provided by law or by this Constitution ~~[as--may--now--or--hereafter--be--provided--by--law,--which--may--be--increased--or--diminished--by--law]~~. Each district judge ~~[For--each--district--there]~~ shall be elected by the qualified voters ~~[thereof,]~~ at a General Election and ~~[,--a--Judge,--who]~~ shall be a citizen of the United States and of this State, who is ~~[shall--be]~~ licensed to practice law in this State and has ~~[shall--have]~~ been a practicing lawyer or a Judge of a Court in this State, or both combined, for four (4) years next preceding his election, who has ~~[shall--have]~~ resided in the district in which he was elected for two (2) years next preceding his election, and who shall reside in his district during his term of office and ~~[,--who--shall]~~ hold his office for the period of four (4) years, and who shall receive for his services an annual salary to be fixed by the Legislature. The Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law. He shall hold the regular terms of his Court at the County Seat of each County in his district ~~[at--least--twice--in--each--year]~~ in such manner as may be prescribed by law. The Legislature shall have power by General or Special Laws to make such provisions concerning the terms or sessions of each Court as it may deem necessary.

"The Legislature shall also provide for the holding of District Court when the Judge thereof is absent, or is from any cause disabled or disqualified from presiding.

"[The--District--Judges--who--may--be--in--office--when--this
Amendment--takes--effect--shall--hold--their--offices--until--their
respective--terms--shall--expire--under--their--present--election--or
appointment-]"

SECTION 4. That Article V, Section 8, of the Texas
Constitution be amended to read as follows:

"Section 8. District Court jurisdiction consists of
exclusive, appellate, and original jurisdiction of all actions,
proceedings, and remedies, except in cases where exclusive,
appellate, or original jurisdiction may be conferred by this
Constitution or other law on some other court, tribunal, or
administrative body. District Court judges shall have the power to
issue writs necessary to enforce their jurisdiction. [The
District--Court--shall--have--original--jurisdiction--in--all--criminal
cases--of--the--grade--of--felony;--in--all--suits--in--behalf--of--the--State
to--recover--penalties;--forfeitures--and--escheats;--of--all--cases
of--divorce;--of--all--misdemeanors--involving--official--misconduct;--of
all--suits--to--recover--damages--for--slander--or--defamation--of
character;--of--all--suits--for--trial--of--title--to--land--and--for--the
enforcement--of--liens--thereon;--of--all--suits--for--the--trial--of--the
right--of--property--levied--upon--by--virtue--of--any--writ--of--execution,
sequestration--or--attachment--when--the--property--levied--on--shall--be
equal--to--or--exceed--in--value--five--hundred--dollars;--of--all--suits,
complaints--or--pleas--whatever;--without--regard--to--any--distinction
between--law--and--equity;--when--the--matter--in--controversy--shall--be
valued--at--or--amount--to--five--hundred--dollars--exclusive--of--interest;

1 of-contested-elections,--and-said--court--and--the--judges--thereof,
 2 shall--have--power--to--issue--writs--of--habeas--corpus,--mandamus,
 3 injunction-and-certiorari,--and-all-writs-necessary-to-enforce-their
 4 jurisdiction.

5 "[The-District-Court-shall-have--appellate--jurisdiction--and
 6 general---control---in--probate--matters,--over--the--County--Court
 7 established-in-each--county,--for--appointing--guardians,--granting
 8 letters--testamentary--and--of-administration,--probating-wills,--for
 9 settling-the-accounts-of-executors,--administrators--and--guardians,
 10 and--for--the--transaction-of-all-business-appertaining-to-estates,
 11 and-original--jurisdiction--and--general--control--over--executors,
 12 administrators,--guardians-and-minors-under-such-regulations-as-may
 13 be-prescribed-by-law.] The District Court shall have appellate
 14 jurisdiction and general supervisory control over the County
 15 Commissioners Court, with such exceptions and under such
 16 regulations as may be prescribed by law[7-and-shall-have-general
 17 original-jurisdiction-over-all-causes-of-action-whatever-for--which
 18 a---remedy---or--jurisdiction--is--not--provided--by--law--or--this
 19 Constitution,--and-such-other-jurisdiction,--original-and--appellate,
 20 as-may-be-provided-by-law].

21 "[The--district--court,--concurrently--with--the-county-court,
 22 shall-have-the-general-jurisdiction-of-a-probate-court.---It--shall
 23 probate--wills,--appoint--guardians--of--minors,--idiots,--lunatics,
 24 persons-non-compos--mentis--and--common--drunkards,--grant--letters
 25 testamentary--and--of-administration,--settle-accounts-of-executors,
 26 transact-all-business-appertaining--to--deceased--persons,--minors,

idiots,--lunatics,--persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates--of deceased persons and to apprentice minors, as provided by law. ---In any proceeding involving the general jurisdiction of a probate court, including such specified proceedings, the district court shall also have all other jurisdiction conferred upon the district court by law. The legislature, however, shall have the power, by local or general law, Section 16 of Article V of this Constitution notwithstanding, ---to---increase,---diminish---or---eliminate---the jurisdiction of either the district court or the county court in probate matters, and in cases of any such change of jurisdiction, the legislature shall also conform the jurisdiction of the other courts to such change. The legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and may provide that all appeals in such matters shall be to the courts of (civil) appeals.]"

SECTION 5. That Article V, Section 16, of the Texas Constitution be amended to read as follows:

"Section 16. The County Court has jurisdiction as provided by law. The County Judge is the presiding officer of the County Court and has judicial functions as provided by law. County court judges shall have the power to issue writs necessary to enforce their jurisdiction.

"County Courts in existence on the effective date of this

amendment are continued unless otherwise provided by law. [The
 County-Court-shall-have-original-jurisdiction-of--all--misdemeanors
 of--which--exclusive--original--jurisdiction--is--not--given-to-the
 Justices-Court-as-the-same-is-now-or-may-hereafter-be-prescribed-by
 law,--and-when-the-fine-to-be-imposed-shall-exceed--\$200,--and--they
 shall--have--concurrent--jurisdiction-with-the-Justice-Court-in-all
 civil-cases-when-the-matter-in-controversy-shall--exceed--in--value
 \$200,--and-not-exceed-\$500,--exclusive-of-interest,--unless-otherwise
 provided-by-law,--and--concurrent--jurisdiction--with--the--District
 Court--when--the--matter--in-controversy-shall-exceed-\$500,--and-not
 exceed--\$1,000,--exclusive--of--interest,--but--shall--not--have
 jurisdiction--of--suits--for-the-recovery-of-land.--They-shall-have
 appellate--jurisdiction--in--cases--civil--and--criminal--of--which
 Justices-Courts-have-original-jurisdiction,--but-of-such-civil-cases
 only-when-the-judgment-of-the-court-appealed-from-shall-exceed-\$20,
 exclusive--of--cost,--under-such-regulations-as-may-be-prescribed-by
 law.--In-all-appeals-from-Justices-Courts-there-shall-be-a-trial-de
 novo-in-the-County-Court,--and-appeals-may-be--prosecuted--from--the
 final--judgment-rendered-in-such-cases-by-the-County-Court,--as-well
 as-all-cases-civil-and-criminal--of--which--the--County--Court--has
 exclusive--or--concurrent--or--original--jurisdiction--as--may--be
 prescribed-by-law-and-this-Constitution.

"[The-County-Court-shall-have-the-general-jurisdiction--of--a
 Probate--Court,--they--shall--probate--wills,--appoint-guardians-of
 minors,--idiots,--lunatics,--persons--non-compos--mentis--and--common
 drunkards,--grant-letters-testamentary-and-of-administration,--settle

1 accounts--of--executors,--transact--all--business--appertaining--to
 2 deceased-persons,--minors,--idiots,--lunatics,--persons--non--compes
 3 mentis--and--common--drunkards,--including-the-settlement,--partition
 4 and-distribution-of-estates-of-deceased-persons-and--to--apprentice
 5 minors,--as-provided-by-law,--and-the-County-Court,--or-judge-thereof,
 6 shall--have--power--to-issue-writs-of-injunctions,--mandamus-and-all
 7 writs-necessary-to-the-enforcement--of--the--jurisdiction--of--said
 8 Court,--and--to--issue--writs--of--habeas-corpus-in-cases-where-the
 9 offense-charged-is-within-the-jurisdiction-of-the-County-Court,--or
 10 any--other--Court--or--tribunal-inferior-to-said-Court.--The-County
 11 Court-shall-not-have-criminal--jurisdiction--in--any--county--where
 12 there--is--a-Criminal-District-Court,--unless-expressly-conferred-by
 13 law,--and-in-such-counties-appeals-from-Justices--Courts--and--other
 14 inferior--courts--and--tribunals--in-criminal-cases-shall-be-to-the
 15 Criminal--District--Court,--under--such--regulations--as--may--be
 16 prescribed--by--law,--and-in-all-such-cases-an-appeal-shall-lie-from
 17 such--District--Court--as--may--be--prescribed--by--law--and--this
 18 Constitution.] When the judge of the County Court is disqualified
 19 in any case pending in the County Court the parties interested may,
 20 by consent, appoint a proper person to try said case, or upon their
 21 failing to do so a competent person may be appointed to try the
 22 same in the county where it is pending in such manner as may be
 23 prescribed by law."

24 SECTION 6. That Article V, Section 17, of the Texas
 25 Constitution be amended to read as follows:

26 "Section 17. The County Court shall hold terms as [a-term

1 ~~for civil business at least once in every two months, and shall~~
 2 ~~dispose of probate business, either in term time or vacation as may~~
 3 ~~be provided by law, and said court shall hold a term for criminal~~
 4 ~~business once in every month as may be~~ provided by law.

5 Prosecutions may be commenced in said court by information filed by
 6 the county attorney, or by affidavit, as may be provided by law.

7 Grand juries empaneled [~~empaneled~~] in the District Courts shall
 8 enquire into misdemeanors, and all indictments therefor returned
 9 into the District Courts shall forthwith be certified to the County
 10 Courts or other inferior courts, having jurisdiction to try them
 11 for trial; and if such indictment be quashed in the County, or
 12 other inferior court, the person charged, shall not be discharged
 13 if there is probable cause of guilt, but may be held by such court
 14 or magistrate to answer an information or affidavit. A jury in the
 15 County Court shall consist of six men; but no jury shall be
 16 empaneled [~~empaneled~~] to try a civil case unless demanded by one
 17 of the parties, who shall pay such jury fee therefor, in advance,
 18 as may be prescribed by law, unless he makes affidavit that he is
 19 unable to pay the same."

20 SECTION 7. That Article V, Section 19, of the Texas
 21 Constitution be amended to read as follows:

22 "Section 19. Justice of the peace courts shall have original
 23 jurisdiction in criminal matters of misdemeanor cases punishable by
 24 fine only, exclusive jurisdiction in civil matters where the amount
 25 in controversy is two hundred dollars or less, and such other
 26 jurisdiction as may be provided by law. Justices of the peace

shall be ex officio notaries public [have-jurisdiction-in-criminal matters-of-all-cases-where-the-penalty-or-fine-to-be-imposed-by-law may-not-be--more--than--for--two--hundred--dollars,--and--exclusive jurisdiction--in--civil--matters--of--all-cases-where-the-amount-in controversy-is-two-hundred-dollars-or-less,--exclusive-of--interest, unless--exclusive-original-jurisdiction-is-given-to-the-District-or County-Courts,--and-concurrent-jurisdiction-with-the--County--Courts when-the-matter-in-controversy-exceeds-two-hundred-dollars-and-does not--exceed--five--hundred--dollars,--exclusive-of-interest,--unless exclusive-jurisdiction-is-given--to--the--County--Courts,--and,--as provided--by--law,--when--the--matter--in--controversy-exceeds-five hundred-dollars,--concurrent--jurisdiction--with--both--the--County Courts--and--the--District--Courts--in--an-amount-not-to-exceed-one thousand--dollars---exclusive---of---interest,---unless---exclusive jurisdiction--is-given-to-the-County-Courts-or-the-District-Courts, and-such-other-jurisdiction,--criminal-and-civil,--as-may-be-provided by-law,--under-such-regulations-as-may-be--prescribed--by--law,--and appeals--to-the-County-Courts-shall-be-allowed-in-all-cases-decided in-Justices'-Courts-where-the-judgment--is--for--more--than--twenty dollars--exclusive--of--costs,--and-in-all-criminal-cases-under-such regulations-as-may-be-prescribed-by-law--And-the-justices--of--the peace--shall--be--ex--officio-notaries-public--And-they-shall-hold their-courts-at-such-times-and-places-as-may-be-provided-by--law]."

SECTION 8. That Article V of the Texas Constitution be amended by adding a new Section 31 to read as follows:

"Section 31. Court administration and rule-making authority

1 "Section 31. (a) The Supreme Court is responsible for the
2 efficient administration of the judicial branch and shall
3 promulgate rules of administration not inconsistent with the laws
4 of the state as may be necessary for the efficient and uniform
5 administration of justice in the various courts.

6 "(b) The Supreme Court shall promulgate rules of civil
7 procedure for all courts not inconsistent with the laws of the
8 state as may be necessary for the efficient and uniform
9 administration of justice in the various courts.

10 "(c) The legislature may delegate to the Supreme Court or
11 Court of Criminal Appeals the power to promulgate such other rules
12 as may be prescribed by law or this Constitution, subject to such
13 limitations and procedures as may be provided by law."

14 SECTION 9. That Article V of the Texas Constitution be
15 amended by repealing Sections 14, 16a, 22, and 25.

16 SECTION 10. That the following temporary provision be added
17 to the Texas Constitution:

18 "TEMPORARY PROVISION. (a) This temporary provision applies
19 to the constitutional amendment proposed by S.J.R. No. 14, 69th
20 Legislature, Regular Session, 1985, and expires January 1, 1992.

21 "(b) Courts of Appeals Districts and Judges. The supreme
22 judicial districts of the state become courts of appeals districts.
23 Associate justices of the courts of appeals become justices of the
24 courts of appeals.

25 "(c) County Courts and County Judges. Unless otherwise
26 provided by law, all county courts in existence under the

1 Constitution continue in effect with jurisdiction as provided by
2 law. The judges of those courts remain as county court judges and
3 as presiding officers of the county commissioners courts.

4 "(d) Municipal Courts, County Courts at Law, and Justice of
5 the Peace Courts. Unless otherwise provided by law, order,
6 charter, or ordinance, these courts and judges of them remain as
7 they exist at the time of adoption of the amendments, including any
8 new courts authorized by law but not taking effect until after the
9 date of adoption of these amendments.

10 "(e) Judicial Districts and Judges. Unless otherwise
11 provided by law, judicial districts in existence at the time of
12 adoption of these amendments remain in effect, including any
13 districts authorized by law but not taking effect until after the
14 date of adoption of these amendments.

15 "(f) Laws and Rules Continued. Except to the extent
16 inconsistent with the provisions of these amendments, all laws and
17 rules of court in force on the effective date of these amendments
18 continue in effect until otherwise provided by law.

19 "(g) Other Provisions. In the event a transfer or
20 transition has not been provided for by these amendments or other
21 law, the Supreme Court shall provide by rule for the orderly
22 transfer or transition.

23 "(h) The initial term of the member of the Judicial
24 Districts Board appointed by the governor expires on December 31,
25 1990."

26 SECTION 11. This proposed constitutional amendment shall be

S.J.R. No. 14

1 submitted to the voters at an election to be held on November 5,
2 1985. The ballot shall be printed to provide for voting for or
3 against the proposition: "The constitutional amendment providing
4 for the reapportionment of the judicial districts of the state by
5 the Judicial Districts Board or by the Legislative Redistricting
6 Board, and providing for the administration and jurisdiction of
7 constitutional courts."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 7, 1985

Honorable Bob Bush, Chair
Committee on Judiciary
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution No. 14,
as engrossed
By: Caperton

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 14, as engrossed (proposing a constitutional amendment to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board), this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The cost of publication of the resolution to the State is \$48,100.

No additional fiscal implication to the State or units of local government is anticipated.


Jim Oliver
Director

Source: LBB Staff: JO, JH, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 18, 1985

Honorable Ray Farabee, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 14
By: Caperton

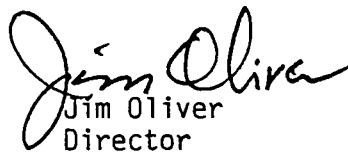
Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 14 (proposing a constitutional amendment to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The cost of publication of the resolution to the State is \$48,100.

No additional fiscal implication to the State or units of local government is anticipated.


Jim Oliver
Director

Source: LBB Staff: JO, JH, PA

X;CT3a;

S.J.R.
S.B. No. 14 (1)

President of the Senate

Speaker of the House

I hereby certify that ^{S.J.R.}~~S.B.~~ No. 14 ^{was adopted by} (1) passed the Senate on April 18 (2), 1985, by the following vote: Yeas 24 (3), Nays 5 (4); May 23 (5), 1985, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26 (6), 1985, House granted request of the Senate; May 27 (7), 1985, Senate adopted Conference Committee Report by the following vote: Yeas 25 (8), Nays 6 (9).

Secretary of the Senate

X;CT3b;

I hereby certify that ^{S.J.R.}~~S.B.~~ No. 14 ^{was adopted by} (1) passed the House, with amendments, on May 22 (2), 1985, by the following vote: Yeas 120 (3), Nays 10 (4); ^{1 six present not voting} May 26 (5), 1985, House granted request of the Senate for appointment of Conference Committee; May 27 (6), 1985, House adopted Conference Committee Report by the following vote: Yeas 124 (7), Nays 19 (8). ^{1 one present not voting}

Chief Clerk of the House

Approved:

Date

Governor

11.
Kee

S.J.R. No. 14

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 14 was adopted by the Senate on April 18, 1985, by the following vote: Yeas 24, Nays 5; May 23, 1985, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 1985, House granted request of the Senate; May 27, 1985, Senate adopted Conference Committee Report by the following vote: Yeas 25, Nays 6.

Secretary of the Senate

I hereby certify that S.J.R. No. 14 was adopted by the House, with amendments, on May 22, 1985, by the following vote: Yeas 120, Nays 10, six present not voting; May 26, 1985, House granted request of the Senate for appointment of Conference Committee; May 27, 1985, House adopted Conference Committee Report by the following vote: Yeas 124, Nays 19, one present not voting.

Chief Clerk of the House

S. J. R. No. 14 By Carpenter

proposing a constitutional amendment to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board.

1/29
JAN 29 1985 Filed with the Secretary of the Senate
Read, referred to Committee on STATE AFFAIRS

MAR 19 1985 Reported favorably.
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed.

APR 18 1985 Senate and Constitutional Rules to permit consideration suspended by unanimous consent.
24 years, 5 days.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ years, _____ days.

APR 18 1985 Read second time amended and ordered engrossed.
APR 18 1985 passed to third reading.

APR 18 1985 Caption ordered amended to conform to body of bill.

APR 18 1985 Senate and Constitutional 3-Day Rules suspended by vote of 24 years, 5 days to place bill on third reading and final passage.

APR 18 1985 Read third time and passed by a viva-voce vote.
24 years, 5 days.

OTHER ACTION:

Betty King
Secretary of the Senate

April 18, 1985 Engrossed
April 22, 1985 Sent to HOUSE

Latey Spaw
ENGROSSING CLERK

APR 22 1985 Received from the Senate

APR 23 1985 Read first time and referred to Committee on Judiciary
5-15-85 Reported favorably amended, sent to Printer 5:25pm
MAY 17 1985 Printed and Distributed 1:22pm
MAY 17 1985 Sent to Committee on Calendars 6:07pm
MAY 22 1985 Read second time amended and finally adopted
failed adoption by Record Vote of 120 years 10 days 6 present not voting

Read third time (amended) and finally adopted
failed adoption by a Record Vote of _____ years _____ days _____ present not voting

MAY 22 1985 Caption ordered amended to conform to body of resolution

MAY 23 1985 Returned to Senate.

Betty Murray
Chief Clerk of the House

MAY 23 1985 RETURNED FROM HOUSE
with amendments (2)

MAY 23 1985

The Senate refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences between the two Houses.

Coperton, Chm
McFarland
Edwards
Farabee
Washington

MAY 24 1985

The House has granted the request of the Senate for the appointment of a Conference Committee to adjust the differences between the two Houses.

Evans, Chm.
C. Harris
Jackson
T. Smith
Arnold

MAY 27 1985

Conference Committee Report adopted
on the part of the ~~House~~ Senate

MAY 27 1985

Conference Committee Report adopted
on the part of the ~~Senate~~ House